

**To:** Jackson, Ryan[jackson.ryan@epa.gov]  
**Cc:** Lyons, Troy[lyons.troy@epa.gov]; Davis, Patrick[davis.patrick@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]  
**From:** Bennett, Tate  
**Sent:** Thur 4/27/2017 9:26:35 PM  
**Subject:** Send Witness for Senate Ag Hearing?

Hey Ryan-

Are you OK with EPA sending Rick Keigwin— the career Acting Director in the Office of Pesticide Policy— as a witness at a May 11 Senate Ag “Backgrounder” Hearing on Pesticide Registration? James Glueck has requested him and has worked with him for years.

Ex. 5 - Deliberative Process

## Ex. 5 - Deliberative Process

Thoughts?

Tate

**From:** Davis, Patrick  
**Sent:** Thursday, April 27, 2017 5:15 PM  
**To:** Bennett, Tate <Bennett.Tate@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>  
**Cc:** Greenwalt, Sarah <greenwalt.sarah@epa.gov>  
**Subject:** RE: Witness for Senate Ag Hearing

Hi Tate,

## Ex. 5 - Deliberative Process

Thanks,

Patrick Davis

EPA

Senior Advisor to the Administrator

202-564-3103 office

Ex. 6 - Personal Privacy cell

Information sent to this email address may be subject to FOIA.

**From:** Bennett, Tate

**Sent:** Thursday, April 27, 2017 4:28 PM

**To:** Davis, Patrick <[davis.patrick@epa.gov](mailto:davis.patrick@epa.gov)>; Dravis, Samantha <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)>

**Cc:** Greenwalt, Sarah <[greenwalt.sarah@epa.gov](mailto:greenwalt.sarah@epa.gov)>

**Subject:** Witness for Senate Ag Hearing

Hey Patrick and Sam

Rick Keigwin, EPA Acting Director of the Office of Pesticide Policy, has been requested by Senate Ag Majority Staff (Sen. Pat Roberts of Kansas' staff) for a "career agency staff" panel at a hearing their committee is doing on May 11<sup>th</sup> on pesticide registration (in order to gear up for PRIA). Apparently, the Committee has not done a pesticide hearing in years, and the only issue

## Ex. 5 - Deliberative Process

Tate

**From:** Vlasaty, Andrew (Agriculture) [[mailto:Andrew\\_Vlasaty@ag.senate.gov](mailto:Andrew_Vlasaty@ag.senate.gov)]  
**Sent:** Thursday, April 27, 2017 2:26 PM  
**To:** Bennett, Tate <[Bennett.Tate@epa.gov](mailto:Bennett.Tate@epa.gov)>  
**Subject:** Hearing

Hey Tate, just wanted to follow up with you. This isn't finalized yet, but we're looking at Thursday, May 11<sup>th</sup> as the date for the hearing. Would Rick Keigwin from the Office of Pesticide Policy be available that day?

Andrew Vlasaty

Senior Professional Staff

Senate Agriculture Committee

Chairman Pat Roberts (R-KS)

(202) 224-2035

**To:** Shapiro, Mike[Shapiro.Mike@epa.gov]; Richardson, RobinH[Richardson.RobinH@epa.gov]; Brown, Byron[brown.byron@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]  
**From:** Jackson, Ryan  
**Sent:** Sun 3/12/2017 11:50:33 PM  
**Subject:** IN SDWA imminent endangerment

Could we talk further tomorrow morning about the IN request near E. Chicago?

Ryan Jackson

Chief of Staff

U.S. Environmental Protection Agency

Ex. 6 - Personal Privacy



**To:** Dravis, Samantha[dravis.samantha@epa.gov]  
**Cc:** Brown, Byron[brown.byron@epa.gov]  
**From:** Jackson, Ryan  
**Sent:** Wed 3/15/2017 9:35:50 PM  
**Subject:** Re: Dental Amalgam

Are we sure in this?

Ryan Jackson  
Chief of Staff  
U.S. EPA

**Ex. 6 - Personal Privacy**

On Mar 15, 2017, at 4:34 PM, Dravis, Samantha <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)> wrote:

Guys: I am sorry but we've got a little wrinkle here. A toothache, if you will.

Although this dental amalgam rule was signed by the previous Administrator, this rule has about \$50M dollars worth of costs associated with it and so we are now in the 2 for 1 zone under this new Administration. **In this fiscal year, we will be required to offset those costs to get to net zero.**

## **Ex. 5 - Deliberative Process**

Samantha Dravis

Senior Counsel / Associate Administrator for Policy

U.S. Environmental Protection Agency

**To:** Pataki, Timothy A. EOP/WHO [Ex. 6 - Personal Privacy]  
**Cc:** Dravis, Samantha[dravis.samantha@epa.gov]  
**From:** Jackson, Ryan  
**Sent:** Fri 3/10/2017 11:41:59 PM  
**Subject:** RE: EPA

The notices are a paired direct final and proposal to approve the El Paso Carbon Monoxide Limited Maintenance Plan. The actions needed to be re-signed since the previous RA is no longer an EPA employee. The actions are back in R6 and the acting RA is expected to sign them Monday. He's been out this week. The region will then send the packages to Office of Policy here in the Administrator's office which clears everything for the FR. We'll get it there.

**From:** Pataki, Timothy A. EOP/WHO [mailto:Ex. 6 - Personal Privacy]  
**Sent:** Thursday, March 9, 2017 8:43 PM  
**To:** Jackson, Ryan <jackson.ryan@epa.gov>  
**Subject:** Re: EPA

Roger. Talk soon

Sent from my iPhone

On Mar 9, 2017, at 8:22 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

I'm on it. Let me check on this.

Ryan Jackson

Chief of Staff

U.S. EPA

Ex. 6 - Personal Privacy

On Mar 9, 2017, at 4:35 PM, Pataki, Timothy A. EOP/WHO  
Ex. 6 - Personal Privacy > wrote:

Ryan, hoping you can help with this question from Rep. Olson's staff. You came highly recommended from Catanzaro, please let me know if I can ever be of assistance.

Any help would be greatly appreciated,

-Tim

**Tim Pataki**

Special Assistant to the President

White House, Office of Legislative Affairs

**Ex. 6 - Personal Privacy**

**From:** England, Richard [<mailto:Richard.England@mail.house.gov>]

**Sent:** Thursday, March 9, 2017 10:51 AM

**To:** Pataki, Timothy A. EOP/WHO <**Ex. 6 - Personal Privacy**>

**Cc:** Kelly, Melissa <[Melissa.Kelly@mail.house.gov](mailto:Melissa.Kelly@mail.house.gov)>

**Subject:** RE: EPA

You're awesome. My (limited) understanding is that EPA has approved a maintenance plan for El Paso but it needs to be published in the Federal Register to go official, but that publication is dragging. Docket is EPA-R06-OAR-2016-0550.

Any info on timing would be appreciated!

Rich England

202-225-5951

**From:** England, Richard [mailto:Richard.England@mail.house.gov]

**Sent:** Wednesday, March 8, 2017 3:37 PM

**To:** Pataki, Timothy A. EOP/WHO <[REDACTED]> **Ex. 6 - Personal Privacy**

**Cc:** Kelly, Melissa <Melissa.Kelly@mail.house.gov>

**Subject:** EPA

Hey Tim,

Hope you're settling in well over there. Any chance you know who is handling EPA intergovernmental affairs? Texas is waiting on a procedural box to be checked on something and I'd love to get a rundown on timing.

Sorry to hit you while you're still drinking from a firehose, I'm sure.

Thanks sir,

Rich

Richard England

Energy Policy Advisor

**Representative Pete Olson (TX22)**

2133 Rayburn HOB|Washington, DC 20515

(202)225-5951

**To:** Dravis, Samantha[dravis.samantha@epa.gov]  
**Cc:** Brown, Byron[brown.byron@epa.gov]; Schnare, David[schnare.david@epa.gov]  
**From:** Jackson, Ryan  
**Sent:** Mon 3/6/2017 4:26:03 PM  
**Subject:** Re: Rmp

I tend to agree and believe we received a petition for reconsideration February 28. Brian hope has a copy at OEX.

Ryan Jackson  
Chief of Staff  
U.S. EPA

Ex. 6 - Personal Privacy

> On Mar 6, 2017, at 9:21 AM, Dravis, Samantha <dravis.samantha@epa.gov> wrote:

>

## Ex. 5 - Deliberative Process

> I am copying in Byron and David, in case they have additional thoughts.

>

> -----Original Message-----

> From: Jackson, Ryan

> Sent: Monday, March 6, 2017 7:13 AM

> To: Dravis, Samantha <dravis.samantha@epa.gov>

> Subject: Rmp

>

> We have a petition in to ask to issue an administrative stay of the rmp final rule. We need to determine our next steps on that. Eager to get your thoughts. Feb 28 petition.

>

> Ryan Jackson

> Chief of Staff

> U.S. EPA

Ex. 6 - Personal Privacy

**To:** Grantham, Nancy[Grantham.Nancy@epa.gov]; Konkus, John[konkus.john@epa.gov]; Richardson, RobinH[Richardson.RobinH@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]; Brown, Byron[brown.byron@epa.gov]  
**From:** Jackson, Ryan  
**Sent:** Wed 3/15/2017 5:05:27 PM  
**Subject:** Re: MLive: Flint mayor says she'll meet Trump in Ypsilanti to discuss water crisis

We need to tee up the flint award announcement.

Announced in a release. Not an event.

Nancy, the Administrator is very interested in the oped. Investment infrastructure and there's clearly work to do.

Please let me know the plan on release and draft on oped.

Thank you guys.

Ryan Jackson  
Chief of Staff  
U.S. EPA

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On Mar 15, 2017, at 11:32 AM, Grantham, Nancy <Grantham.Nancy@epa.gov> wrote:

Sent from my iPhone

Begin forwarded message:

**From:** "Nowotarski, Allison" <nowotarski.allison@epa.gov>  
**Date:** March 15, 2017 at 10:25:28 AM EDT  
**To:** "Kelley, Jeff" <kelley.jeff@epa.gov>, "Rowan, Anne" <rowan.anne@epa.gov>, "Grantham, Nancy" <Grantham.Nancy@epa.gov>, "Kaplan, Robert" <kaplan.robert@epa.gov>  
**Subject:** MLive: Flint mayor says she'll meet Trump in Ypsilanti to discuss water crisis

**Flint mayor says she'll meet Trump in Ypsilanti to discuss water crisis**

[http://www.mlive.com/news/flint/index.ssf/2017/03/flint\\_mayor\\_says\\_shell\\_meet\\_tr.html](http://www.mlive.com/news/flint/index.ssf/2017/03/flint_mayor_says_shell_meet_tr.html)

By Ron Fonger | [rfonger1@mlive.com](mailto:rfonger1@mlive.com)

on March 15, 2017 at 10:01 AM, updated March 15, 2017 at 10:08 AM

FLINT, MI -- Mayor Karen Weaver says she has accepted an invitation to meet with President Trump in Ypsilanti during his visit today, March 15.

Weaver issued a statement on the meeting, which says the Flint water crisis will be a topic of discussion.

"I'm thankful that President Donald Trump reached out to me to discuss the Flint Water Crisis. I will be asking the President to do all things within his power to make our city whole and great again after the horrific man-made injustice that was caused here," the statement says.

"I will not rest until the residents and businesses that I have the pleasure of serving are able to drink, cook and bathe with water straight from the tap which is a basic human right."

Trump visited Flint during the 2016 presidential campaign, stopping at a local church and the city water plant.



**To:** Dravis, Samantha[dravis.samantha@epa.gov]  
**From:** Jackson, Ryan  
**Sent:** Wed 3/15/2017 2:15:02 PM

For the superfund new variables we have a current spreadsheet which we can add too Byron and I were looking at Monday night.

Ryan Jackson  
Chief of Staff  
U.S. EPA

Ex. 6 - Personal Privacy

**To:** Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]  
**Cc:** Dravis, Samantha[dravis.samantha@epa.gov];  
**Ex. 6 - Personal Privacy** Brown, Byron[brown.byron@epa.gov]  
**From:** Jackson, Ryan  
**Sent:** Sat 3/25/2017 10:11:18 PM  
**Subject:** Re: EO report to OMB

Perfect. Well since you mention it, Sarah is already on top of drafting the memo to the agency to implement that initial section. Because she's just that good.

Ryan Jackson  
Chief of Staff  
U.S. EPA

**Ex. 6 - Personal Privacy**

> On Mar 25, 2017, at 6:02 PM, Gunasekara, Mandy <Gunasekara.Mandy@epa.gov> wrote:  
>  
> Works for me - we can bring in additional folks for review purposes if needed.  
>  
> -----Original Message-----  
> From: Dravis, Samantha  
> Sent: Saturday, March 25, 2017 4:08 PM  
> To: Jackson, Ryan <jackson.ryan@epa.gov>  
> Cc: **Ex. 6 - Personal Privacy** Brown, Byron <brown.byron@epa.gov>; Gunasekara, Mandy  
<Gunasekara.Mandy@epa.gov>  
> Subject: EO report to OMB  
>

> Should we get a working group going on Section 1 of the EO that calls for a review of any agency rules that burden domestic energy and a report to OMB within 45 days?

**Ex. 5 - Deliberative Process**

**Ex. 5 - Deliberative Process**

> Sent from my iPhone

**To:** Dravis, Samantha[dravis.samantha@epa.gov]  
**Cc:** Brown, Byron[brown.byron@epa.gov]; Rees, Sarah[rees.sarah@epa.gov]; Schwab, Justin[schwab.justin@epa.gov]  
**From:** Jackson, Ryan  
**Sent:** Fri 3/10/2017 9:37:37 PM  
**Subject:** Re: Midnight Rules going into effect unless we act

On my way back.

Ryan Jackson  
Chief of Staff  
U.S. EPA

Ex. 6 - Personal Privacy

> On Mar 10, 2017, at 3:12 PM, Dravis, Samantha <dravis.samantha@epa.gov> wrote:  
>  
> We have 10 of these rules that we need to review and act on or allow them to go into effect as is before Monday.  
>  
> We need to meet with you on these and get final decisions. Can you meet today?

**To:** Dravis, Samantha[dravis.samantha@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]; Brown, Byron[brown.byron@epa.gov]; Schwab, Justin[schwab.justin@epa.gov]; Fotouhi, David[fotouhi.david@epa.gov]  
**From:** Jackson, Ryan  
**Sent:** Sun 5/7/2017 10:11:27 PM  
**Subject:** FW: CD/SA charts: upcoming obligations & ongoing negotiations  
[2017 Consent Decree table 5-1-17 clean.docx](#)  
[ATT00001.htm](#)  
[Cases under settlement discussion 5-1-17 clean.docx](#)  
[ATT00002.htm](#)

**To:** Dravis, Samantha[dravis.samantha@epa.gov]  
**Cc:** Brown, Byron[brown.byron@epa.gov]; Konkus, John[konkus.john@epa.gov]  
**From:** Jackson, Ryan  
**Sent:** Wed 3/15/2017 12:35:18 PM  
**Subject:** Re: RE:

Yes. Awesome.

Ryan Jackson  
Chief of Staff

U.S. EPA

Ex. 6 - Personal Privacy

> On Mar 15, 2017, at 8:11 AM, Dravis, Samantha <dravis.samantha@epa.gov> wrote:

>

> Sounds great. Just let me confirm with my shop that it indeed has been submitted to the FR. Can you give me the morning to do that? No one was here yesterday evening to do so.

>

> Do you want me to reach out to ADA today? I have a good friend who works over there.

>

> -----Original Message-----

> From: Jackson, Ryan

> Sent: Wednesday, March 15, 2017 8:10 AM

> To: Dravis, Samantha <dravis.samantha@epa.gov>; Brown, Byron <brown.byron@epa.gov>; Konkus, John <konkus.john@epa.gov>

> Subject:

>

> Since the dental rule is ready to go let's announce it in a joint release with the American dental association and ignore the nrdc nonsense lawsuit showing this is a rule we are issuing in conjunction with the regulated community which is good for the environment and good business.

>

> The rule aims to remove 5 tons of Hg from drinking water systems.

>

>

>

> Ryan Jackson

> Chief of Staff

> U.S. EPA

Ex. 6 - Personal Privacy

**To:** Dravis, Samantha[dravis.samantha@epa.gov]  
**From:** Jackson, Ryan  
**Sent:** Sat 3/25/2017 10:16:07 PM  
**Subject:** Re: EO report to OMB

Rees. Well then perfect. It's done then subject to our review.

Ryan Jackson  
Chief of Staff  
U.S. EPA

Ex. 6 - Personal Privacy

> On Mar 25, 2017, at 6:15 PM, Dravis, Samantha <dravis.samantha@epa.gov> wrote:

>

> Rees or Greenwalt? I think Sarah R left a couple reg memos on your desk to approve

>

> Sent from my iPhone

>

>> On Mar 25, 2017, at 6:11 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

>>

>> Perfect. Well since you mention it, Sarah is already on top of drafting the memo to the agency to implement that initial section. Because she's just that good.

>>

>> Ryan Jackson

>> Chief of Staff

>> U.S. EPA

>> Ex. 6 - Personal Privacy

>>

>>> On Mar 25, 2017, at 6:02 PM, Gunasekara, Mandy <Gunasekara.Mandy@epa.gov> wrote:

>>>

>>> Works for me - we can bring in additional folks for review purposes if needed.

>>>

>>> -----Original Message-----

>>> From: Dravis, Samantha

>>> Sent: Saturday, March 25, 2017 4:08 PM

>>> To: Jackson, Ryan <jackson.ryan@epa.gov>

>>> Cc: Ex. 6 - Personal Privacy; Brown, Byron <brown.byron@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>

>>> Subject: EO report to OMB

>>>

>>> Should we get a working group going on Section 1 of the EO that calls for a review of any agency rules that burden domestic energy and a report to OMB within 45 days?

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

>>>

>>> Sent from my iPhone

**To:** Dravis, Samantha[dravis.samantha@epa.gov]  
**From:** Jackson, Ryan  
**Sent:** Mon 3/6/2017 3:30:13 PM

Samantha, will you ask Shannon or someone with policy to give us a briefing paper on the former sector strategies program and its history and the history of the former economic analysis group? Both were former programs under Policy.

Ryan Jackson  
Chief of Staff  
U.S. EPA

Ex. 6 - Personal Privacy

**To:** Hupp, Sydney[hupp.sydney@epa.gov]; **Ex. 6 - JP Freire personal email**  
Ferguson, Lincoln[ferguson.lincoln@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]; Brown, Byron[brown.byron@epa.gov]; Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]  
**From:** Jackson, Ryan  
**Sent:** Sat 3/25/2017 6:45:51 PM  
**Subject:** Fwd: POTUS Executive Order Singing on Tuesday, March 28, 2017 at 2:00 PM at the Environmental Protection Agency

Ryan Jackson  
Chief of Staff  
U.S. EPA

**Ex. 6 - Personal Privacy**

Begin forwarded message:

**From:** "McGinley, William J. EOP/WHO" <**Ex. 6 - Personal Privacy**>  
**Date:** March 25, 2017 at 2:08:42 PM EDT  
**To:** "'jackson.ryan@epa.gov'" <jackson.ryan@epa.gov>, "'McCormack, Brian'" <Brian.Mccormack@hq.doe.gov>, 'Scott Hommel' <scott\_hommel@ios.doi.gov>  
**Cc:** "Gunn, Ashley L. EOP/WHO" **Ex. 6 - Personal Privacy** "Dubke, Michael D. EOP/WHO" **Ex. 6 - Personal Privacy**, "Karem, Jordan J. EOP/WHO" **Ex. 6 - Personal Privacy**, "Porter, Robert R. EOP/WHO" **Ex. 6 - Personal Privacy**  
**Subject:** POTUS Executive Order Singing on Tuesday, March 28, 2017 at 2:00 PM at the Environmental Protection Agency

Gentlemen,

Tuesday at 2 PM, POTUS will be signing and Executive Order establishing a national policy in favor of energy independent, economic growth and the rule of law. The event will take place at EPA headquarters. Please make sure that you principals are in place at the EPA no later than 1:30 PM. Presidential Advance, copied on this email will establish a hold room for use until the event begins. The event will last approximately 30 minutes and is open press.

Thank you to EPA for agreeing to host this important event. We are including Ryan Jackson on this email for his situational awareness.

**Ex. 5 - Deliberative Process**



# Ex. 5 - Deliberative Process

In addition to your principals, there will be numerous Members of Congress and private stakeholders in attendance at the event.

Please confirm that your principal will arrive at EPA headquarters no later than 1:30 PM and will be prepared to make two minutes worth of remarks.

Please do not hesitate to contact us with any questions.

Best,  
Bill

William J. McGinley  
Cabinet Secretary  
The White House  
Cell

Ex. 6 - Personal Privacy

E:

Ex. 6 - Personal Privacy

**To:** Jackson, Ryan[jackson.ryan@epa.gov]  
**Cc:** Brown, Byron[brown.byron@epa.gov]; Schwab, Justin[schwab.justin@epa.gov]; Flynn, Mike[Flynn.Mike@epa.gov]; Reeder, John[Reeder.John@epa.gov]; Torma, Tim[Torma.Tim@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]; Hupp, Sydney[hupp.sydney@epa.gov]; Hupp, Millan[hupp.millan@epa.gov]  
**From:** Starfield, Lawrence  
**Sent:** Fri 3/24/2017 10:21:34 PM  
**Subject:** EPA enforcement in States  
[OECA Civil Enforcement in States - 3 24 17.docx](#)

Ryan,

When I met with you a couple of weeks ago, I mentioned the reasons for federal enforcement actions in States, including the fact that the majority of our actions – over 70% – are taken in situations where there is no authorized State program. Other federal enforcement actions are taken where requested by the State, where the violations are in multiple states, etc. You indicated that this would be important information to share with the Administrator, and we understand that we are in the queue to brief him soon on the “Federal role in bringing enforcement actions in States.”

In advance of that briefing, I thought it might be useful to share an issue paper that we developed. Please let me know if you have any questions.

Thanks.

Larry

Larry Starfield  
Acting Assistant Administrator  
Office of Enforcement and Compliance Assurance  
(202) 564-8179 (direct)  
(202) 505-0961 (cell)

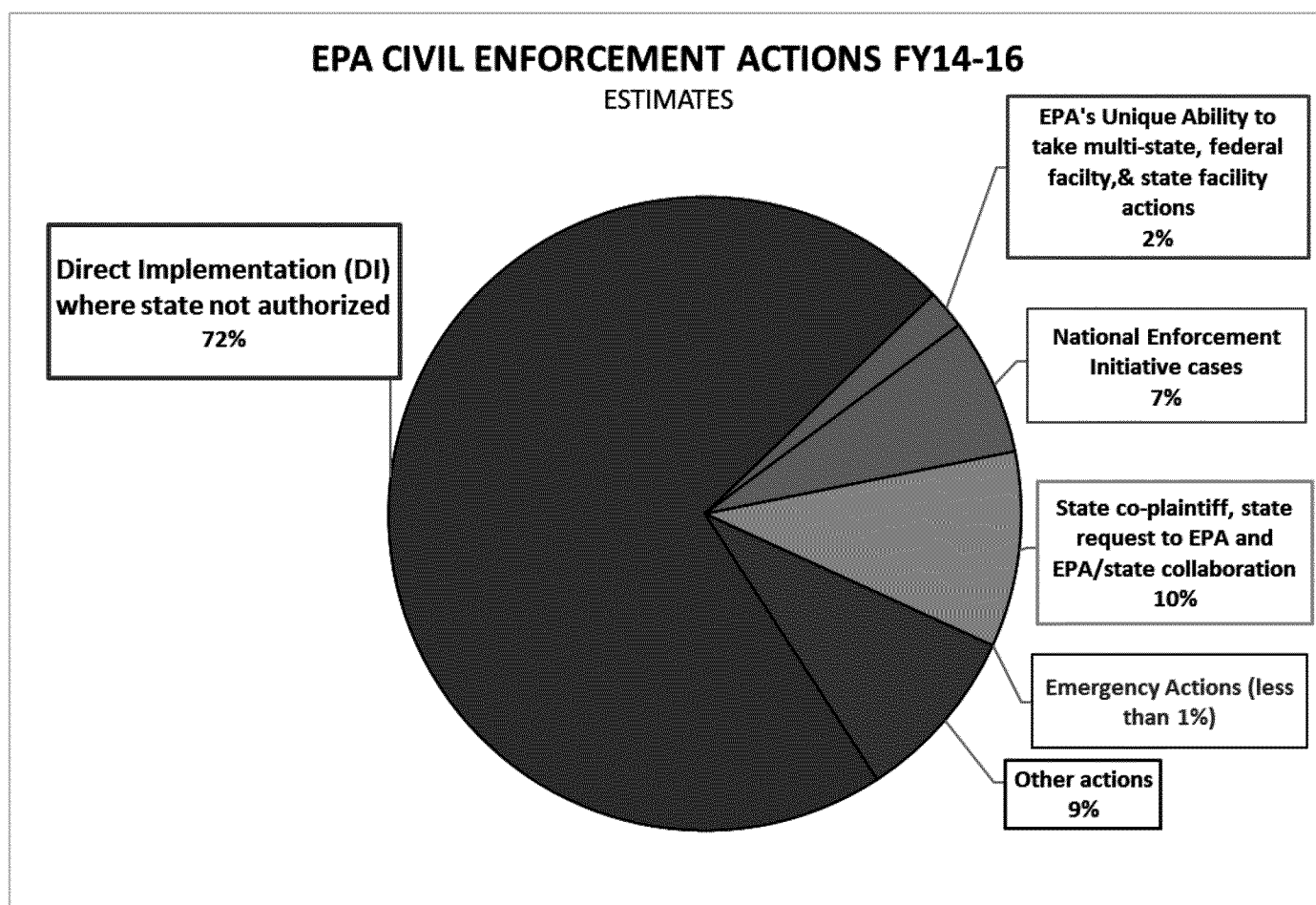
This message is CONFIDENTIAL, and may contain legally privileged information. If you are not the intended recipient, or believe you received this communication in error, please delete it immediately, do not copy, and notify the sender. Thank you.



## EPA's CRITICAL ROLE IN BRINGING CIVIL ENFORCEMENT ACTIONS

OECA Briefing Paper for Administrator, March 24, 2017

1. EPA and authorized states work collaboratively to ensure compliance with our nation's environmental laws. EPA provides the national infrastructure for the compliance assurance program, including: training for inspectors, national data systems, compliance monitoring strategies, analytic tools to identify the most serious violations, and compliance assistance websites. And while many federal programs are enforceable by both states and EPA, there are some programs in which only EPA is authorized to take enforcement.
2. This document focuses on how EPA and authorized states work together to use civil enforcement actions to ensure compliance and remedy violations.
3. Averaged over the past three years, FY14-FY16, EPA concluded about 2,330 civil judicial and administrative actions each year (with the states taking thousands more such actions). By working collaboratively with our state partners in authorized programs and directly implementing where states are not authorized, EPA's actions play a strategic and valuable role as summarized in the pie chart below and then described on the second page.



4. About 72% of EPA's civil administrative and civil enforcement actions are direct implementation. Direct implementation primarily includes: 1) programs where the statute does not provide the option for state authorization to implement; 2) programs that a state has not sought the authority to implement (even though the statute allows such), and 3) violations that occur in Indian Country. EPA is solely responsible for enforcing such programs as:
- a. CERCLA actions to engage responsible party performance and funding of cleanups of hazardous sites.
  - b. CAA requirements for motor vehicles, engines and fuels, and stratospheric ozone.
  - c. TSCA New and Existing Chemicals and PCBs.
  - d. FIFRA Pesticide registration.
  - e. CWA 311 oil spills, Emergency Actions, Spill Prevention Control and Countermeasure, and Federal Response Plan under the Clean Water Act.
  - f. Emergency planning requirements and the Toxics Release inventory under EPCRA.
  - g. Act to Prevent Pollution from Ships.
5. For the remaining 28% of EPA cases, taken where there is an authorized/delegated state program, there are a variety of compelling reasons for EPA's actions. These cases may be grouped into five groups (sometimes overlapping):
- a. EPA's unique ability to (i) address federal facilities, (ii) state-owned facilities and (iii) companies with violations in multiple states through national settlements. For example, EPA did a national settlement with Tyson Foods to resolve the company's violations of CAA prevention of accidental release regulations at 23 facilities in four states.
  - b. National Enforcement Initiative cases to address serious environmental problems and widespread noncompliance across the country to ensure a level playing field in these sectors. For over 20 years EPA has selected these initiatives with input from its state partners as well as the public. For example, as part of EPA Mineral Processing NEI, Louisiana and Florida joined EPA in the *Mosaic Fertilizer* case (2015), which addressed a record 60 billion pounds of hazardous waste at facilities in both States.
  - c. Actions in collaboration with our states, such as: (i) where the state is a co-plaintiff, (ii) the state requested EPA to take a case, or (iii) using joint planning and strategies to allocate work among states and EPA. This collaboration between EPA regions and states is based on the unique state needs and environmental problems. For example, both North Dakota and Utah asked for EPA's assistance in the last few years to conduct construction stormwater inspections and enforcement due to resource constraints. In addition, Texas has joined EPA in an action to address sewage discharges in violation of the Clean Water Act by the City of Tyler.
  - d. Actions taken to address emergency situations, such as the SDWA action in Flint, Michigan.
  - e. Other EPA actions, such as those informally coordinated with the state, issued to address minor violations discovered during a facility inspection and imposing a small penalty (sometimes called "field citations" or "expedited enforcement actions"), or when EPA steps in when violations at a facility remain despite previous state enforcement actions.

**To:** Schnare, David[schnare.david@epa.gov]  
**Cc:** Dravis, Samantha[dravis.samantha@epa.gov]  
**From:** Jackson, Ryan  
**Sent:** Fri 3/10/2017 2:24:23 AM  
**Subject:** RE:  
image2017-03-09-093823.pdf

I believe she did the homework on this. Attached is some background which I thought would be helpful.

**From:** Schnare, David  
**Sent:** Thursday, March 9, 2017 9:20 PM  
**To:** Jackson, Ryan <jackson.ryan@epa.gov>  
**Cc:** Dravis, Samantha <dravis.samantha@epa.gov>  
**Subject:** Re:

I don't know what Sam has found out so it hasn't been greenlighted yet.

Sent from my iPhone

On Mar 9, 2017, at 9:17 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

Did we officially give the green light to the dental regulation so we can get that out the door?

Ryan Jackson

Chief of Staff

U.S. Environmental Protection Agency

**Ex. 6 - Personal Privacy**

## Dental Amalgam Rule Briefing Document

### *Amalgam Rule Status*

- After years of collaborative engagement with stakeholders, EPA finalized a rule setting Clean Water Act pretreatment requirements for dental offices known as the dental amalgam rule.
- EPA finalized the rule on December 15<sup>th</sup>, and it was sent to the Federal register on January 19<sup>th</sup>.
- The rule was withdrawn following the January 20<sup>th</sup> White House memorandum directing the immediate withdrawal of any regulations not yet published in the Federal Register so the new administration could review and approve the regulations.

### *Support for the Final Rule*

- The final rule was publically supported by the regulated community including the American Dental Association (ADA) and the National Association of Clean Water Agencies (NACWA).
  - ADA stated “the rule closely follows ADA’s own best management practices and incorporates three of those BMPs” and that “the new rule meets the nine principles established by the ADA House of Delegates as a condition of ADA support for a national rule.”
  - ADA President Dr. Gary L. Roberts said “The ADA believes the Environmental Protection Agency’s new federal regulation represents a fair and reasonable approach to the management of dental amalgam waste” and “we believe this new rule – which is a federal standard – is preferable to a patchwork of rules and regulations across various states and localities.”
  - NACWA stated they were “pleased that the final version had been significantly altered from the proposed version in order to address the Association’s main concerns” and that their “initial analysis indicates that the rule will have a minimal burden on POTWs. This outcome is a huge success for NACWA’s advocacy team and for POTWs that submitted data and input for the Association’s comments.”
- The final rule is also supported by the manufacturers of amalgam separators and components, most of which are manufactured in the United State by U.S. based companies.

### *General Rule Background*

- The federal rule sets a practical, predictable and achievable baseline that seeks to avoid a patchwork of varying requirements set by states and municipalities, creating a level playing field for all dentists and providing all of the public with the same level of protection.
- Dental clinics are the largest source of mercury in wastewater as EPA estimates that 50% of the mercury pollution in wastewater is from dental amalgam.
- Preventing toxic heavy metals such as mercury from getting into the waters of the U.S. is a traditional function of U.S. EPA and is a high public priority.
- EPA expects compliance with this final rule will annually reduce the discharge of mercury by 5.1 tons as well as 5.3 tons of other metals found in waste dental amalgam to POTWs.
- Removing mercury at the source, i.e., the dental office, is the most efficient and effective way to keep this mercury out of our waters.
- The rule is based on proven and affordable technology that is already recommended by the ADA and already being used by tens of thousands of dental offices across the nation, and imposes no significant paperwork burdens.
- The rule would come at a low cost to dental offices as EPA estimates that the average dental office will incur an approximate annual cost of \$800 per office.
- The total cost of the rule projected by EPA would be \$59 – \$61 million, well below the threshold applicable for REINS Act and not likely considered a “significant regulatory action” subject to President Trump’s “Reducing Regulation and Controlling Regulatory Costs” Executive Order.

**To:** Dravis, Samantha[dravis.samantha@epa.gov]  
**From:** Jackson, Ryan  
**Sent:** Mon 3/6/2017 12:13:22 PM  
**Subject:** Rmp

We have a petition in to ask to issue an administrative stay of the rmp final rule. We need to determine our next steps on that. Eager to get your thoughts. Feb 28 petition.

Ryan Jackson  
Chief of Staff  
U.S. EPA

Ex. 6 - Personal Privacy



**To:** Minoli, Kevin[Minoli.Kevin@epa.gov]; Schnare, David[schnare.david@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]  
**From:** Jackson, Ryan  
**Sent:** Fri 3/10/2017 2:21:11 AM

I advised Jeff Wood today that instead of a request for an extension of time, they should expect a denial of the petition instead so DOJ is aware. They were much more pleased with a decision other than a request for an extension.

Ryan Jackson

Chief of Staff

U.S. Environmental Protection Agency

Ex. 6 - Personal Privacy

**To:** Jackson, Ryan[jackson.ryan@epa.gov]  
**Cc:** Schwab, Justin[schwab.justin@epa.gov]; Brown, Byron[brown.byron@epa.gov]; Flynn, Mike[Flynn.Mike@epa.gov]; Reeder, John[Reeder.John@epa.gov]; Torma, Tim[Torma.Tim@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]; Greenwalt, Sarah[greenwalt.sarah@epa.gov]; Freire, JP[Freire.JP@epa.gov]; Bennett, Tate[Bennett.Tate@epa.gov]; Cozad, David[Cozad.David@epa.gov]  
**From:** Starfield, Lawrence  
**Sent:** Mon 4/3/2017 2:50:03 PM  
**Subject:** Daily Enforcement Report  
OECA Daily Report carry-over items 4 3 17.docx

Ryan,

We have no new case filings to flag today. However, there are two items (below) on which decisions are needed this week:

US v. Luminant –

**Ex. 5- Deliberative; Ex. 7(A)**

**Ex. 5- Deliberative; Ex. 7(A)**

Manke Lumber Co. –

**Ex. 5- Deliberative; Ex. 7(A)**

**Ex. 5- Deliberative; Ex. 7(A)**

# **Ex. 5- Deliberative; Ex. 7(A)**

-  
Also attached is a list of all items awaiting clearance. Please let us know if you have questions or need further information.

Larry

Larry Starfield  
Acting Assistant Administrator  
Office of Enforcement and Compliance Assurance

(202) 564-2440 (office)  
(202) 564-8179 (direct)

This message is CONFIDENTIAL, and may contain legally privileged information. If you are not the intended recipient, or believe you received this communication in error, please delete it immediately, do not copy, and notify the sender. Thank you.

OECA Daily Reports - Carry-over items awaiting clearance

From 3/31 – No new items needing clearance. Sunoco cleared.

From 3/30 – No new items needing clearance

3/29/17 – no report. Shifting to morning reports.

From 3/28/17

No new items.

From 3/27/17

From 3/24/17

No new items.

From 3/23/17

Manke Lumber Co. –

**Ex. 5- Deliberative; Ex. 7(A)**

**Ex. 5- Deliberative; Ex. 7(A)**

From 3/22/17

No new items.

From 3/21/17 daily report

**Ex. 5- Deliberative; Ex. 7(A)**

# Ex. 5- Deliberative; Ex. 7(A)

From 3/20/17 daily report - resolved

From 3/17/17 daily report

The Toa Alta Municipal Solid Waste Landfill in Puerto Rico is posing significant risks to public health and the environment. The liner and leachate controls have been abandoned and damaged, and large volumes of uncontrolled contaminated leachate and storm water are being released. The landfill, which is already filled to capacity, is located over an important drinking water aquifer and is in close proximity to residences. During the week of March 20, Region 2 plans to issue a unilateral administrative order under RCRA §7003 (an “imminent and substantial endangerment” provision) to the municipality and several companies that presently or formerly operated the landfill, requiring: certain urgent improvements to operations at the landfill; the prompt evaluation and repair, if possible, of the leachate control system; the permanent cessation of waste receipt at the landfill by a specified date, followed by the application of an intermediate cover; and steps to minimize the landfill serving as a breeding ground for mosquitoes carrying the Zika virus (a significant health threat on the island). No penalty is being sought.

Region 2 has previously taken enforcement actions to abate threats at twelve other landfills in Puerto Rico.

## Ex. 5 - Deliberative Process

### Ex. 5 - Deliberative Process

OECA and Region 2

briefed Justin Schwab on this matter on February 15, 2017. This is a time-sensitive matter, given the overflows from the landfill. If possible, we’d request a response as soon as possible.

From 3/16/17 daily report:

Westward Seafoods - Westward Seafoods operates a seafood processing facility in Dutch Harbor, Alaska that violated the Clean Air Act by operating for two years without using required air pollution controls, resulting in illegal emissions of 105 tons of NOx. The company has a history of serious noncompliance and was the subject of a prior EPA enforcement action. EPA and the State of Alaska, as co-plaintiffs, have negotiated a compliance agreement to resolve the current violations. The agreement requires Westward to correct the violations, install a new monitoring system, and retain an independent third party to verify its compliance. Westward will also implement two energy efficiency environmental mitigation projects at its facility, to offset the illegal NOx emissions, and pay a \$1.3M penalty. DOJ was hoping to lodge the agreement in federal district court during the week of March 20, and is waiting to hear from us. We briefed Justin on this case in February.

From 3/15/17 daily report:

US v. Luminant –

Ex. 5- Deliberative; Ex. 7(A)

## Ex. 5- Deliberative; Ex. 7(A)

From 3/14/17 daily report:

Clean Air Act Section 114 information requests –

Ex. 5- Deliberative; Ex. 7(A)

## Ex. 5- Deliberative; Ex. 7(A)

From 3/13/17 daily report:

U.S. v. Harley Davidson – Harley Davidson sold over 340,000 devises that illegally increased emissions from motor cycles and 12,000 motor cycles that were not properly certified under the Clean Air Act, resulting in significant emissions of hydrocarbons and NOx. This week, DOJ would like to file a Motion to Enter the compliance agreement in which Harley agreed to pay a penalty of \$12M for these violations. Harley also agreed to mitigate the effects of its violations through funding the replacement of wood stoves with cleaner appliances, valued at \$3M. Cong. Jason Chaffetz raised a question about the wood stoves project;

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Enforcement of the mobile source provisions of the Clean Air Act is not delegated to the states. [Update: DOJ is contacting GAO, and we will discuss next steps thereafter. ]

US v. Nevada Cement - Nevada Cement violated the CAA when it made major modifications to its plant,

resulting in significant increased emissions of NOx, without first obtaining a required permit and without installing necessary pollution control equipment. DOJ intends to move to enter a compliance agreement in which Nevada Cement has agreed to install new air pollution control equipment that will reduce NOx emissions by approximately 1,140 tons per year, costing approximately \$2.5 million, and pay a penalty of \$550,000.

**Ex. 5 - Deliberative Process**

**Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

DOJ has been prepared to file this settlement with the court since March 15, and is waiting to hear from us.

**To:** Brown, Byron[brown.byron@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]; Schwab, Justin[schwab.justin@epa.gov]; Greenwalt, Sarah[greenwalt.sarah@epa.gov]; Greaves, Holly[greaves.holly@epa.gov]; Ferguson, Lincoln[ferguson.lincoln@epa.gov]; Konkus, John[konkus.john@epa.gov]  
**From:** Jackson, Ryan  
**Sent:** Wed 3/15/2017 12:08:36 AM  
**Subject:** tomorrow  
25 EPA 18 Embargoed.pdf

With being gone tomorrow we really need to tee up what we are going to do and place in the Register for the Energy Independence EO. We have the parts of it and I provided Justin and Sarah some suggestions today. That's the big, big next step.

Also, Thursday the budget comes out. It's not good.

Thumbnail is attached and what will actually come out. Holly is working on some messaging.

Principal messages:

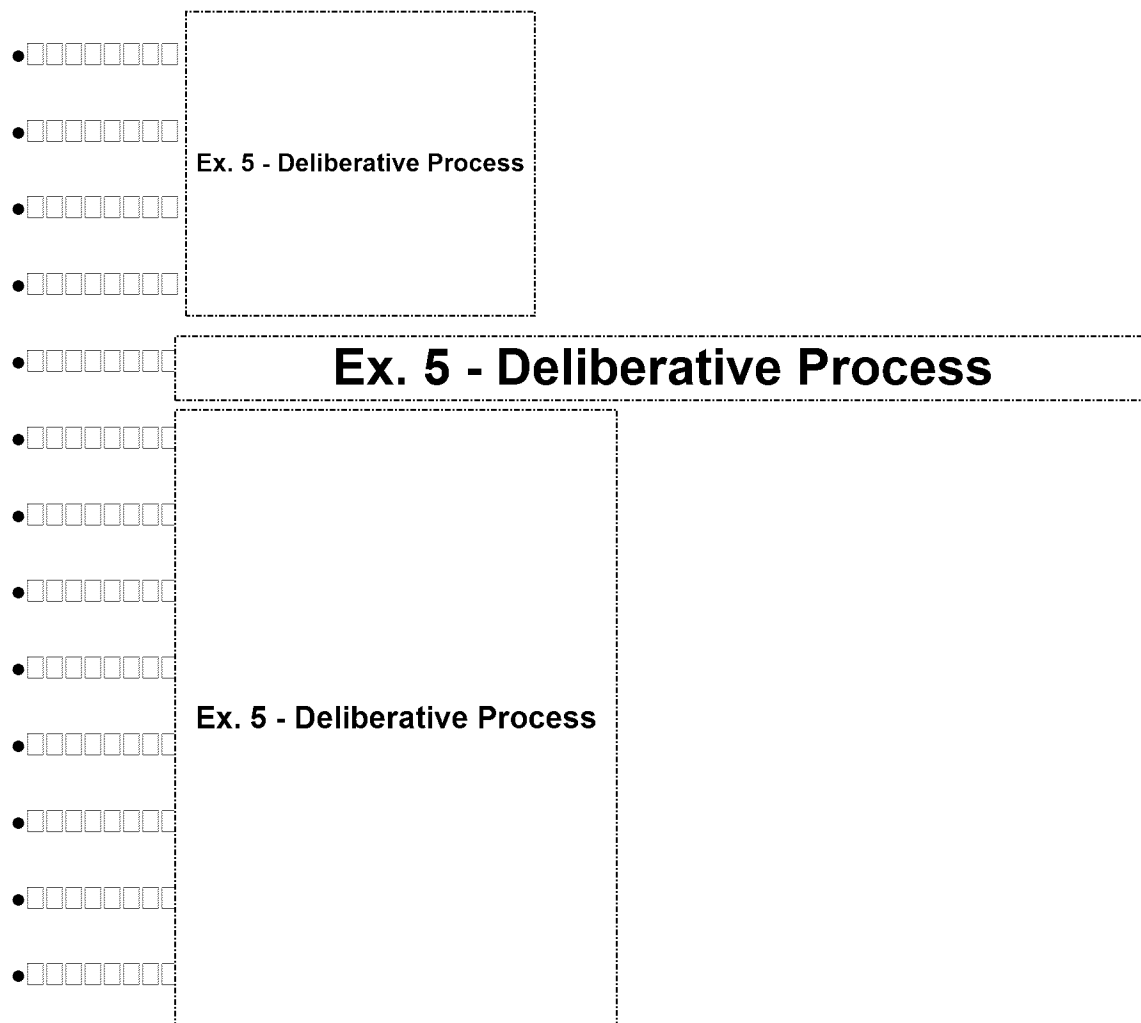
**Ex. 5 - Deliberative Process**

**Ex. 5 - Deliberative Process**

**Ex. 5 - Deliberative Process**

Here's the breakdown:





We need to think messaging and, Samantha, JP is nearly here so we need to get him roped in. Will you contact him tomorrow to get his great head in this game too?

So you guys are the first to know we are making new changes and getting folks in their roles.

JP Freire, communications director for Senator Orrin Hatch will be joining the team as the Associate Administrator for Public Affairs. John Konkus will be the Deputy AA for Public Affairs. Two additional staff, Liz Bowman, director for issue advocacy for the American Chemistry Council, will also join the team as a Deputy AA for Public Affairs and Amy Graham, deputy comms director for Senator Shelley Moore Capito, will join us as the Deputy AA for

Public Engagement. Jahan Wilcox will join us in strategic communications centering on social media and outreach.

Since I'm on a role I got good news tonight that Troy Lyons, director for congressional affairs for Hess Petroleum will be our AA for Congressional Affairs and Tate Bennett, director for governmental affairs for NRECA and former House staffer and McConnell staffer from Danville KY will be one of our principal Deputy AA for Congressional Affairs.

We will have everyone around the table soon.

So, I'm unsure if Pruitt will be there for the 8am, but I think we should meet tomorrow morning before he and I head to Andrews. We should plan on him being at the 8am. I could use all of you there tomorrow in the Administrator's office at 8am. Thanks.

Ryan Jackson

Chief of Staff

U.S. Environmental Protection Agency

**Ex. 6 - Personal Privacy**

**To:** Schnare, David[schnare.david@epa.gov]; Konkus, John[konkus.john@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]; Benton, Donald[benton.donald@epa.gov]  
**From:** Jackson, Ryan  
**Sent:** Mon 3/6/2017 12:23:09 AM  
STUMP1.docx

The Administrator and I will be traveling Monday and Tuesday. Please do not worry about the 8am either days.

However, we need to use this time to develop the final ticker or whatever format for upcoming agency actions and rulemakings, consent decree negotiations and which ones need to be revisited, upcoming grants (I have something working on that), and upcoming NOV's and enforcement case filings. We'll need to present these formats to him by the Wednesday am meeting. Please loop Byron into this.

The midterm review notice is well in hand. We need to develop the notices issued pursuant to the energy independence EO to be able to report to the Administrator Wednesday as well.

Also, per Kevin's emails, we'll need to circle back with the Administrator at some point soon on how we are going to make good on the ANPRM on WOTUS.

I'm still gathering information on the Wednesday morning event at the WH, but Wednesday afternoon he'll travel to Houston with Samantha for CERA. Konkus, we will need a speech for that. Attached is the speech for NAM. I think CERA will need to be slightly different.

Thank you guys. See you Wednesday.

Ryan Jackson

Chief of Staff

U.S. Environmental Protection Agency

**Ex. 6 - Personal Privacy**

**To:** Schnare, David[schnare.david@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov];  
Brown, Byron[brown.byron@epa.gov]  
**From:** Jackson, Ryan  
**Sent:** Mon 3/6/2017 12:12:56 AM  
**Subject:** EOs  
EOs and Presidential Memorandums.docx

Excuse typos on this. However, we have 4 EOs or Memorandums now addressing EPA. Byron will not receive this attachment until he is entirely set up so please loop him into this. We need to address how we are going to meet these EOs since some are running on a 60 day clock well running before we arrived.

Ryan Jackson

Chief of Staff

U.S. Environmental Protection Agency

Ex. 6 - Personal Privacy

## **PRESIDENTIAL EOs and MEMORANDUMS TO DATE AND HOW THEY ADDRESS EPA**

Since January 20, President Trump has issued 15 executive orders, 12 memorandums, and 2 proclamations.

**Executive Orders to date** – President Trump’s 12 executive orders address reducing the burden of Obamacare<sup>1</sup>, **expediting environmental reviews**<sup>2</sup>, cutting federal funds to sanctuary cities<sup>3</sup>, enforcing border security through a wall<sup>4</sup>, implementing a temporary ban on travel from seven terrorism-prone nations<sup>5</sup>, lobbying restrictions<sup>6</sup>, reducing government regulations (eliminating 2 for every new 1)<sup>7</sup>, reviewing Dodd-Frank regulations<sup>8</sup>, establishing a crime task force under the AG<sup>9</sup>, addressing violent crime against law enforcement<sup>10</sup>, addressing drug cartels<sup>11</sup>, and removing the former acting AG<sup>12</sup>, regulatory reform<sup>13</sup>, WOTUS reconsideration<sup>14</sup>, and historically black colleges<sup>15</sup>.

**Memorandums to date** – The Administration has also issued 12 memorandums addressing the federal

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<sup>1</sup> **Executive Order** on January 20, 2017

Executive Order Minimizing the Economic Burden of the Patient Protection and Affordable Care Act Pending Repeal

<sup>2</sup> **Executive Order** on January 24, 2017

Executive Order Expediting Environmental Reviews and Approvals For High Priority Infrastructure Projects

<sup>3</sup> **Executive Order** on January 25, 2017

Executive Order: Enhancing Public Safety in the Interior of the United States

<sup>4</sup> **Executive Order** on January 25, 2017

Executive Order: Border Security and Immigration Enforcement Improvements

<sup>5</sup> **Executive Order** on January 27, 2017

EXECUTIVE ORDER: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES

<sup>6</sup> **Executive Order** on January 28, 2017

Executive Order: ETHICS COMMITMENTS BY EXECUTIVE BRANCH APPOINTEES

<sup>7</sup> **Executive Order** on February 03, 2017

Presidential Executive Order on Core Principles for Regulating the United States Financial System

<sup>8</sup> **Executive Order** on February 03, 2017

Presidential Executive Order on Core Principles for Regulating the United States Financial System

<sup>9</sup> **Executive Order** on February 09, 2017

Presidential Executive Order on a Task Force on Crime Reduction and Public Safety

<sup>10</sup> **Executive Order** on February 09, 2017

Presidential Executive Order on Preventing Violence Against Federal, State, Tribal, and Local Law Enforcement Officers

<sup>11</sup> **Executive Order** on February 09, 2017

Presidential Executive Order on Enforcing Federal Law with Respect to Transnational Criminal Organizations and Preventing International Trafficking

<sup>12</sup> **Executive Order** on February 09, 2017

Providing an Order of Succession Within the Department of Justice

<sup>13</sup> **Executive Order** on February 24, 2017

Presidential Executive Order on Enforcing the Regulatory Reform Agenda

<sup>14</sup> **Executive Order** on February 28, 2017

Presidential Executive Order on Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the "Waters of the United States" Rule

<sup>15</sup> **Executive Order** on February 28, 2017

Presidential Executive Order on The White House Initiative to Promote Excellence and Innovation at Historically Black Colleges and Universities

regulatory review (Priebus Memo)<sup>16</sup>, the federal hiring freeze<sup>17</sup>, TPP<sup>18</sup>, reinstatement of Mexico City policy (international abortion funding)<sup>19</sup>, directing Army Corps of Engineers to move forward with steps to permit the Dakota Access Pipeline<sup>20</sup>, directing the State Department, Army Corps, and to expedite consideration of KXL permit should TransCanada resubmit for a permit<sup>21</sup>, directing Commerce Secretary to develop a made in USA policy for pipeline construction<sup>22</sup>, directing Commerce Secretary to get input from stakeholders and coordinate with federal agencies **including the EPA** and develop a plan to streamline the federal permitting processes and to reduce regulatory burdens for domestic manufacturing<sup>23</sup>, rebuilding the military<sup>24</sup>, a plan to defeat ISIS<sup>25</sup>, the NSC<sup>26</sup>, and DOL's fiduciary duty rule<sup>27</sup>.

**EPA Involvement in EOs and Memos to date** – In particular, “Executive Order Expediting Environmental Reviews and Approvals For High Priority Infrastructure Projects” issued January 24, 2017, provides that upon the request by a Governor, the head of any executive department or agency, or on its own, the Chairman of CEQ will decide whether a project of high priority and if so coordinate with the head of the relevant agencies to establish expedited procedures and deadlines for completion of environmental reviews and approvals for such projects.

Additionally, the “Presidential Memorandum Streamlining Permitting and Reducing Regulatory Burdens for Domestic Manufacturing” also issued January 24, 2017, provides that the Commerce Secretary work with EPA to identify ways to streamline federal permitting and regulatory burdens on domestic manufacturing in particular.

The “Presidential Executive Order on Enforcing the Regulatory Reform Agenda” requires the EPA to designate a Regulatory Reform Officer (RRO), a task force, and do a review of regulations issued by EPA.

<sup>16</sup> **Presidential Memorandum** on January 20, 2017

Memorandum for the Heads of Executive Departments and Agencies

<sup>17</sup> **Presidential Memorandum** on January 23, 2017

Presidential Memorandum Regarding the Hiring Freeze

<sup>18</sup> **Presidential Memorandum** on January 23, 2017

Presidential Memorandum Regarding Withdrawal of the United States from the Trans-Pacific Partnership Negotiations and Agreement

<sup>19</sup> **Presidential Memorandum** on January 23, 2017

Presidential Memorandum Regarding the Mexico City Policy

<sup>20</sup> **Presidential Memorandum** on January 24, 2017

Presidential Memorandum Regarding Construction of the Dakota Access Pipeline

<sup>21</sup> **Presidential Memorandum** on January 24, 2017

Presidential Memorandum Regarding Construction of the Keystone XL Pipeline

<sup>22</sup> **Presidential Memorandum** on January 24, 2017

Presidential Memorandum Regarding Construction of American Pipelines

<sup>23</sup> **Presidential Memorandum** on January 24, 2017

Presidential Memorandum Streamlining Permitting and Reducing Regulatory Burdens for Domestic Manufacturing

<sup>24</sup> **Presidential Memorandum** on January 27, 2017

Presidential Memorandum on Rebuilding the U.S. Armed Forces

<sup>25</sup> **Presidential Memorandum** on January 28, 2017

Presidential Memorandum Plan to Defeat the Islamic State of Iraq and Syria

<sup>26</sup> **Presidential Memorandum** on January 28, 2017

Presidential Memorandum Organization of the National Security Council and the Homeland Security Council

<sup>27</sup> **Presidential Memorandum** on February 03, 2017

Presidential Memorandum on Fiduciary Duty Rule

Of course, the reviewing WOTUS was EPA's with the ANPRM issued with the Army Corps of Engineers.



**To:** Schnare, David[schnare.david@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]  
**From:** Jackson, Ryan  
**Sent:** Fri 3/10/2017 2:17:25 AM

Did we officially give the green light to the dental regulation so we can get that out the door?

Ryan Jackson

Chief of Staff

U.S. Environmental Protection Agency

Ex. 6 - Personal Privacy

**To:** Benton, Donald[benton.donald@epa.gov]  
**Cc:** Dravis, Samantha[dravis.samantha@epa.gov]  
**From:** Jackson, Ryan  
**Sent:** Fri 3/10/2017 1:47:25 AM  
**Subject:** RE: Iowa Antidegradation Issue

This is all I received on it. The request was for EPA to reverse the decision.

**From:** Benton, Donald  
**Sent:** Thursday, March 9, 2017 3:44 PM  
**To:** Jackson, Ryan <jackson.ryan@epa.gov>  
**Cc:** Dravis, Samantha <dravis.samantha@epa.gov>  
**Subject:** FW: Iowa Antidegradation Issue

Ryan, You were in the meeting. I was not. Can you share with Samantha the specific anti-degradation issue the Governor was concerned about so we can follow up?

Thanks,

Don

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



**From:** Groen, Stephanie [<mailto:stephanie.groen@iowa.gov>]  
**Sent:** Friday, March 3, 2017 11:39 AM  
**To:** Benton, Donald <[benton.donald@epa.gov](mailto:benton.donald@epa.gov)>; Dewey, Amy <[Dewey.Amy@epa.gov](mailto:Dewey.Amy@epa.gov)>; Hale, Michelle <[hale.michelle@epa.gov](mailto:hale.michelle@epa.gov)>; Anderson, Denise <[anderson.denise@epa.gov](mailto:anderson.denise@epa.gov)>

**Cc:** Hoelscher, Douglas <[REDACTED]> **Ex. 6 - Personal Privacy** Lyon, Kayla  
<kayla.lyon@iowa.gov>; Jon Tack <jon.tack@dnr.iowa.gov>  
**Subject:** Iowa Antidegradation Issue

Don and EPA Team,

Thank you, again, for your assistance in coordinating the meeting last week between Administrator Pruitt and Governors Branstad, Dayton, Holcomb, and Lt. Governor Reynolds. My bosses were extremely pleased with how the meeting went and are looking forward to working with Administrator Pruitt over the coming months and years.

On that note, I wanted to follow up with you regarding the antidegradation issue that Governor Branstad and Lt. Governor Reynolds discussed with the Administrator.

Attached you will find a letter to Michael Shapiro from Jon Tack, the Chief of the Iowa Water Quality Bureau, detailing our request to Administrator Pruitt to reconsider the late-night Obama Administration disapproval of Iowa's revisions to our Antidegradation Implementation Procedures. Administrator Pruitt seemed eager to work with Governor Branstad and Lt. Governor Reynolds to resolve this issue.

I have also attached some talking points that provide more details on the issue.

We look forward to working with your team and are hopeful for a quick reversal of the decision from the Obama-Administration EPA Team.

Please let me know if there is any further information that you need from me regarding this issue.

Best,

Stephanie

--

**Stephanie Groen** | Acting Director of State-Federal Relations

Office of the Governor, State of Iowa

Gov. Terry Branstad & Lt. Gov. Kim Reynolds

202.624.5442 | [stephanie.groen@iowa.gov](mailto:stephanie.groen@iowa.gov)

[www.governor.iowa.gov](http://www.governor.iowa.gov)

[www.ltgovernor.iowa.gov](http://www.ltgovernor.iowa.gov)

**To:** Jackson, Ryan[jackson.ryan@epa.gov]  
**Cc:** Schwab, Justin[schwab.justin@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]; Cozad, David[Cozad.David@epa.gov]  
**From:** Starfield, Lawrence  
**Sent:** Sat 4/15/2017 12:56:35 PM  
**Subject:** RE: VW

Ryan,

The settlements with VW (reached with co-plaintiff State of California) had several components, including \$2.925 billion to States to invest in projects like diesel change-out, and \$11 billion to fix or buyback vehicles. The ZEV component was an additional aspect of the mitigation negotiated last year to address the harm of NOx rates that were 40 times the standard. Some further information is provided in Dave Cozad's note to Samantha, attached below.

Let us know if you would like to discuss.

Larry

\*\*\*\*\*

From: Cozad, David  
Sent: 4/14/2017 3:11 PM  
To: Dravis, Samantha  
Cc: Starfield, Lawrence; Schwab, Justin; Fotouhi, David; Minoli, Kevin; Brooks, Phillip; Shinkman, Susan; Dunham, Sarah; Grundler, Christopher  
Subject: VW

Hi Samantha,

Responding to your question about the web posting of the investment plan filed pursuant to the VW settlement agreement. We have been routinely posting docs related to the VW settlement to a page that OECA manages jointly with the Office of Transportation Air Quality in OAR. We post these deliverables because states are keenly interested in the VW settlement, particularly the mitigation and ZEV aspects, and it is the best way to quickly and efficiently make the information available to the states.

Folks in our Air Enforcement Division worked with OAR to develop a desk statement and FAQs about the approval of the plan. The FAQs contain the fact that the plan would be posted on the Web. Those materials were shared for review with John Senn, Acting Communications Director for OECA, and OAR communications folks. The materials were also shared with OPA (Nancy Grantham) for review in advance of approval of the plan.

Regarding our review of the plan, we have a constrained role under the settlement agreement. While the settlement establishes certain requirements for the investments (e.g. charging infrastructure must accommodate the two currently existing non-proprietary connectors) the settlement explicitly provides that VW is "solely responsible for every aspect of selecting" the type, timing and location of charging infrastructure to be installed. EPA's role in review of the plan is limited to verifying that the plan complies with the requirements of the settlement. After comparison of the proposed investment plan to the requirements of the settlement, the Air Enforcement Division in consultation with the Office of Transportation Air Quality determined that the proposed plan meets the requirements of the Settlement.

If you have further questions on this, please let me know, or contact Phil Brooks, who is OECA's primary point of contact on the settlement.

Going forward, there are some additional milestones coming under this settlement: the mitigation trust agreement and some emission modification approvals. The states are keen for us to issue the trust agreement so they can start getting money for mitigation projects, and car owners want to know about the emission modification approvals (as does the Court).

If we need some different process going forward, please let us know and let's discuss. We would also welcome the opportunity to brief on the VW deal in general, and the things that are ahead.

Thanks.

Dave Cozad  
Acting PDAA, OECA  
Office 202-564-4861  
Cell Ex. 6 - Personal Privacy

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**From:** Jackson, Ryan  
**Sent:** 4/14/2017 9:49 AM  
**To:** Starfield, Lawrence  
**Cc:** Schwab, Justin; Dravis, Samantha  
**Subject:**

My understand of this VW settlement was not that for implanting defeat devices, VW gets essentially a monopoly on developing charging stations.

It appears to me that this is a problem.

Ryan Jackson  
Chief of Staff  
U.S. EPA  
Ex. 6 - Personal Privacy

**To:** Jackson, Ryan[jackson.ryan@epa.gov]  
**Cc:** Schwab, Justin[schwab.justin@epa.gov]; Brown, Byron[brown.byron@epa.gov]; Flynn, Mike[Flynn.Mike@epa.gov]; Reeder, John[Reeder.John@epa.gov]; Torma, Tim[Torma.Tim@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]; Greenwalt, Sarah[greenwalt.sarah@epa.gov]; Freire, JP[Freire.JP@epa.gov]; Bennett, Tate[Bennett.Tate@epa.gov]; Cozad, David[Cozad.David@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]; Richardson, RobinH[Richardson.RobinH@epa.gov]; Grantham, Nancy[Grantham.Nancy@epa.gov]  
**From:** Starfield, Lawrence  
**Sent:** Tue 4/25/2017 3:16:13 PM  
**Subject:** Daily enforcement report  
[OECA Daily Report carry-over items 4 24 17.docx](#)

Ryan,

Here is today's daily report from OECA, with a "heads up" on two items:

-

**Vopak Settlement** - Vopak owns a terminal on the Houston Ship Channel in Deer Park, Texas whose excess emissions of VOCs and hazardous air pollutants (HAPs) contribute to the area's ozone nonattainment. These emissions were the result of failures to comply with the terms of their Waste Water Treatment permit as well as failure to obtain a Title V Air permit and other violations of the Texas SIP. The State of Texas and EPA are prepared as co-plaintiffs to enter into a settlement agreement with Vopak, under which the company has agreed to control at least 90 percent of the VOCs in its wastewater treatment, take steps to control emissions from its flares, implement an inspection and repair program for the tank terminal, and pay a \$2.5 million penalty (to be split evenly between EPA and Texas). The State of Texas and EPA expect to lodge the proposed agreement with the court by May 4, 2017.

**Volkswagen** - Pursuant to the first partial settlement with VW (as approved October 2016), VW is required to perform a recall on its 2009 – 2015 2.0 liter diesel vehicles. Each owner must be offered a "buyback." Additionally, the settlement provides VW with the opportunity to demonstrate whether the company can perform an "Emissions Modification" on the vehicles. If VW can propose technical modifications to the vehicles that satisfy various criteria laid out in the settlement, then each owner may choose whether to get the buyback or the Emissions Modification. On Friday April 21, 2017, VW notified EPA of its intent to withdraw its proposed Emissions Modification for a subset of the vehicles, which are approximately 7,200 model year 2012-2013 Passats with a manual transmission. In short, VW could not improve their emissions controls adequately to meet the agreed-upon technical criteria. VW is expected to formally withdraw its proposed Emissions Modification this week. The settlement already provides for this situation. The bought-back vehicles will be scrapped, with no option for resale or export (except as parts, but that is unlikely to happen in any substantial quantity). Within 2 days of the formal withdrawal, VW must notify affected vehicle owners that there will be no

Emissions Modification option for their vehicles. While EPA has no obligations under the settlement arising from this withdrawal, we will continue to keep EPA's public affairs office informed and ready to handle inquiries.

Also attached is the list of the items awaiting clearance. Please let us know if you have questions or need further information.

Larry

Larry Starfield  
Acting Assistant Administrator  
Office of Enforcement and Compliance Assurance

(202) 564-2440 (office)  
(202) 564-8179 (direct)

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OECA Daily Reports - Carry-over items awaiting clearance

From 4/21 – no new items, no report

From 4/20 – Heads up on Motion to Enter Freeport Superfund Site Settlement, and criminal sentencing in Gen X Energy.

From 4/18 – No new items

From 4/17 – No new items, XTO Energy cleared

From 4/14 - No new items, reminder of deadline on XTO Energy

From 4/13 - No new items, no report

From 4/12 – No new items, no report

From 4/11 – Report on deadline for XTO Energy

From 4/10 – Heads up on appellate brief in U.S. v. Citgo

From 4/7 – no new items, no report

From 4/6 - Heads up on deliverables under the VW settlement. No new items needing Clearance.

From 4/5 – No new items, no report.

From 4/4 – Report on deadline for NEPA comments on Atlantic Coast Pipeline – cleared.

From 4/3 - No new items needing clearance

From 3/31 – No new items needing clearance.

From 3/30 – No new items needing clearance

From 3/29/17 – no report. Shifting to morning reports.

From 3/28/17 No new items.

From 3/27/17

From 3/24/17 No new items.

From 3/23/17 - Report on Manke Lumber -- cleared, 4/4/17. Report on Sunoco – cleared, 3/31/17.

From 3/22/17 No new items.

From 3/21/17 daily report – deadline on S.H. Bell - -cleared 3/23/17.

## **Ex. 5- Deliberative; Ex. 7(A)**

From 3/20/17 daily report – Deadline on VW case – cleared 3/23/17. Deadline on Maxus SF case – cleared 3/22/17.

From 3/17/17 daily report – Report on Toa Alta -- cleared, 4/10/17.

From 3/16/17 daily report – Report on Westward Seafoods -- cleared, 4/10/17.

From 3/15/17 daily report: Report on US v. Luminant – cleared 4/4.

From 3/14/17 daily report:

Clean Air Act Section 114 information requests –

**Ex. 5- Deliberative; Ex. 7(A)**

## **Ex. 5- Deliberative; Ex. 7(A)**

From 3/13/17 daily report:

U.S. v. Harley Davidson – Harley Davidson sold over 340,000 devises that illegally increased emissions from motor cycles and 12,000 motor cycles that were not properly certified under the Clean Air Act, resulting in significant emissions of hydrocarbons and NOx. This week, DOJ would like to file a Motion to Enter the compliance agreement in which Harley agreed to pay a penalty of \$12M for these violations. Harley also agreed to mitigate the effects of its violations through funding the replacement of wood stoves with cleaner appliances, valued at \$3M. Cong. Jason Chaffetz raised a question about the wood stoves project,

**Ex. 5 - Deliberative Process**

**Ex. 5 - Deliberative Process**

Enforcement of the mobile source provisions of the Clean Air Act is not delegated to the states. [Update: DOJ is contacting GAO, and we will discuss next steps thereafter. ]

US v. Nevada Cement - Nevada Cement violated the CAA when it made major modifications to its plant, resulting in significant increased emissions of NOx, without first obtaining a required permit and without installing necessary pollution control equipment. DOJ intends to move to enter a compliance agreement in which Nevada Cement has agreed to install new air pollution control equipment that will reduce NOx emissions by approximately 1,140 tons per year, costing approximately \$2.5 million, and pay a penalty of \$550,000.

**Ex. 5 - Deliberative Process**

**Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

DOJ has been prepared to file this settlement with the court since March 15, and is waiting to hear from us.

**To:** Rees, Sarah[rees.sarah@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]  
**Cc:** Schwab, Justin[schwab.justin@epa.gov]  
**From:** Jackson, Ryan  
**Sent:** Tue 3/14/2017 5:56:36 PM  
**Subject:** RE: North Coast FIP

I see.

Let's proceed.

**From:** Rees, Sarah  
**Sent:** Tuesday, March 14, 2017 1:37 PM  
**To:** Jackson, Ryan <jackson.ryan@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>  
**Cc:** Schwab, Justin <schwab.justin@epa.gov>  
**Subject:** RE: North Coast FIP

It is because we are rolling back a tolerance – making it less stringent – almost always in response to an industry petition - that we have reviewed and deemed to justify the lowered tolerance. We still have to issue a notice of the determination, hence the FR notice.

**From:** Jackson, Ryan  
**Sent:** Tuesday, March 14, 2017 1:32 PM  
**To:** Rees, Sarah <[rees.sarah@epa.gov](mailto:rees.sarah@epa.gov)>; Dravis, Samantha <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)>  
**Cc:** Schwab, Justin <[schwab.justin@epa.gov](mailto:schwab.justin@epa.gov)>  
**Subject:** RE: North Coast FIP

That's good news.

So why would we need to approve anything though if there's not a new tolerance or some kind of new restriction?

**From:** Rees, Sarah

**Sent:** Tuesday, March 14, 2017 12:16 PM  
**To:** Dravis, Samantha <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)>  
**Cc:** Schwab, Justin <[schwab.justin@epa.gov](mailto:schwab.justin@epa.gov)>; Jackson, Ryan <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)>  
**Subject:** RE: North Coast FIP

I have a little bit more information that I had my staff write up; on pesticide tolerances we typically don't get much information from the program unless it is a new tolerance or a more stringent tolerance than previously existed, which I don't believe any in the queue are. But let me see what I can cobble together.

Cheers,

Sarah

**From:** Dravis, Samantha  
**Sent:** Tuesday, March 14, 2017 11:32 AM  
**To:** Rees, Sarah <[rees.sarah@epa.gov](mailto:rees.sarah@epa.gov)>  
**Cc:** Schwab, Justin <[schwab.justin@epa.gov](mailto:schwab.justin@epa.gov)>; Jackson, Ryan <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)>  
**Subject:** RE: North Coast FIP

Great. There's a chance RJ is hanging back this week and we may have some time to go through the queue again because I know that badly needs attention. On the pesticide tolerances, we really do need some more information. Not sure if it's toxics or who we need to get that info from, but we need more than is currently in the little descriptor box.

**From:** Rees, Sarah  
**Sent:** Tuesday, March 14, 2017 11:28 AM  
**To:** Dravis, Samantha <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)>  
**Cc:** Schwab, Justin <[schwab.justin@epa.gov](mailto:schwab.justin@epa.gov)>; Jackson, Ryan <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)>  
**Subject:** RE: North Coast FIP

That's great news. Bit of a skeletal crew in the office today, but I'll get it in the works.

**From:** Dravis, Samantha  
**Sent:** Tuesday, March 14, 2017 11:26 AM  
**To:** Rees, Sarah <[rees.sarah@epa.gov](mailto:rees.sarah@epa.gov)>  
**Cc:** Schwab, Justin <[schwab.justin@epa.gov](mailto:schwab.justin@epa.gov)>; Jackson, Ryan <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)>  
**Subject:** North Coast FIP

Administrator Pruitt will sign the North Coast limited FIP. Do we need to get that teed up through OEX? If people are here today and can get it ready for his signature, that would be great.

**To:** Dravis, Samantha[dravis.samantha@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]; Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]; Beck, Nancy[beck.nancy@epa.gov]  
**From:** Jackson, Ryan  
**Sent:** Wed 5/3/2017 6:01:08 PM  
**Subject:** FW: EPA sends WOTUS repeal to OMB

For CPP and the TSCA rules, OMB, specifically Jim Laity, would like us to do a briefing for them on what's coming before we pull the trigger. CPP and TSCA will be involved much more so than WOTUS. I love this is in the news though.

**From:** POLITICO Pro [mailto:politicoemail@politicopro.com]  
**Sent:** Wednesday, May 3, 2017 1:49 PM  
**To:** Jackson, Ryan <jackson.ryan@epa.gov>  
**Subject:** EPA sends WOTUS repeal to OMB

By Annie Snider

05/03/2017 01:19 PM EDT

EPA has sent its proposal for repealing the Obama administration's controversial water rule to the White House for interagency review.

An EPA spokeswoman confirmed that the rule sent to the White House Office of Management and Budget's Office of Information and Regulatory Affairs Tuesday is a proposal to repeal the Waters of the U.S. rule. It is the first step in a two step process the Trump administration is planning to undo and replace WOTUS.

EPA staffers told groups representing state and local officials that the proposed rule would rescind the Obama administration rule and formally put back in place the 1986 guidance that has long governed the federal government's decisions about which streams and wetlands receive federal protection under the Clean Water Act.

The Obama administration rule only briefly went into effect in 2015 before being put on hold by the 6th Circuit Court of Appeals. However, there is debate about whether the 6th Circuit is the place where court challenges are supposed to be heard, and the Supreme Court has agreed to take up the question later this year. If justices decide the 6th Circuit is the wrong venue, the current hold would be dissolved and the Obama administration rule could go into effect — unless the Trump administration rescinds it first.

Trump's EPA has indicated it plans to move swiftly to repeal and replace the Obama administration rule, with ideas and comments from state and local officials on the issue due to EPA June 19.

**WHAT'S NEXT:** The White House OMB will review the proposed rule before it is published in the *Federal Register*, triggering a public comment period. In the meantime, the agency is working on a new rule to define the scope of federal water protections keying off a different legal standard.

*To view online:*

<https://www.politicopro.com/energy/whiteboard/2017/05/epa-sends-wotus-repeal-to-omb-087212>

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<a href="#">Yes, very</a>	<a href="#">Somewhat</a>	<a href="#">Neutral</a>	<a href="#">Not really</a>	<a href="#">Not at all</a>

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1000 Wilson Blvd. Arlington, VA, 22209, USA



**To:** Schnare, David[schnare.david@epa.gov]; Hull, George[Hull.George@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]; Flynn, Mike[Flynn.Mike@epa.gov]  
**From:** Jackson, Ryan  
**Sent:** Tue 3/14/2017 5:32:37 PM  
**Subject:** RE: Briefing On EPA Energy & Environmental Policy

It would be good for us to have a presence there. I'm not sure who to suggest.

**From:** Schnare, David  
**Sent:** Tuesday, March 14, 2017 12:11 PM  
**To:** Jackson, Ryan <jackson.ryan@epa.gov>; Hull, George <Hull.George@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Flynn, Mike <Flynn.Mike@epa.gov>  
**Subject:** Fwd: Briefing On EPA Energy & Environmental Policy

Ryan

Do you want to send anyone, and if so, who.

We need to get back to Martini asap.

dschnare

Sent from my iPhone

Begin forwarded message:

**From:** Matthew Martini <[mmartini@CRCPublicRelations.com](mailto:mmartini@CRCPublicRelations.com)>  
**Date:** March 14, 2017 at 12:07:45 PM EDT  
**To:** "schnare.david@epa.gov" <[schnare.david@epa.gov](mailto:schnare.david@epa.gov)>  
**Subject:** Briefing On EPA Energy & Environmental Policy

David,

JP Morgan is hosting a trip to DC for folks who are focused on energy. In particular, this group is focused on the impact of current and future U.S. Energy policy on oil and gas both domestically and internationally. They are meeting with members of Congress and committee staff to discuss these matters.

Please, let me know if someone at EPA is available to attend to provide a briefing

on the direction of EPA.

Key areas of discussion:

- U.S. policy on domestic energy
- Border Adjustment Tax (BAT)
- Renewable Fuels Standards
- Environmental Policy, including Climate Change
- Foreign Trade
- Geopolitics' influence on commodity prices

They have secured a meeting space at the St. Regis hotel so they do have the ability to host meetings if necessary.

Event: J.P. Morgan Washington D.C. Energy Policy Trip

When: Monday, March 20 & Tuesday, March 21, 2017

Where: Washington, DC

Thank you,

Matt

**To:** Jackson, Ryan[jackson.ryan@epa.gov]  
**Cc:** Schwab, Justin[schwab.justin@epa.gov]; Flynn, Mike[Flynn.Mike@epa.gov]; Reeder, John[Reeder.John@epa.gov]; Torma, Tim[Torma.Tim@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]; Greenwalt, Sarah[greenwalt.sarah@epa.gov]; Freire, JP[Freire.JP@epa.gov]; Bennett, Tate[Bennett.Tate@epa.gov]; Cozad, David[Cozad.David@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]; Richardson, RobinH[Richardson.RobinH@epa.gov]; Grantham, Nancy[Grantham.Nancy@epa.gov]; Fotouhi, David[fotouhi.david@epa.gov]; Mugdan, Walter[Mugdan.Walter@epa.gov]  
**From:** Starfield, Lawrence  
**Sent:** Wed 5/3/2017 4:43:30 PM  
**Subject:** Daily enforcement report  
[OECA Daily Report carry-over items 5 3 17.docx](#)

Ryan,

Here is today's daily report from OECA, with one "heads up." (Note that I did not include Byron as an addressee since he is recused on this matter.)

-

**Proposed Order - Gowanus Canal Superfund Site:** The Gowanus Canal in Brooklyn, NY is a National Priorities List site that is one of the nation's most contaminated water bodies due to a legacy of 150 years of industrial discharges. Region 2 intends to issue an order next week to National Grid, a primary PRP at the site, requiring the company to prepare a design for a bulkhead barrier wall that is an essential initial step in implementing the cleanup ready selected for the site in September 2013. The purpose of the wall is to prevent ongoing coal tar releases from entering the canal, as well as provide lateral support for a Combined Sewer Overflow (CSO) tank that is to be installed as part of the remedy.

#### **Ex. 5 - Deliberative Process**

## **Ex. 5 - Deliberative Process**

**Ex. 5 - Deliberative Process** The region intends to reach out to the state again at senior levels prior to issuing the order. Details on the matter, including specifics on the Region's communications with the state, have been provided in a briefing paper shared with David Fotouhi, Patrick Davis, and Albert Kelly.

Also attached is the list of the items awaiting clearance. Please let us know if you have questions or need further information.

Larry

Larry Starfield  
Acting Assistant Administrator  
Office of Enforcement and Compliance Assurance

(202) 564-2440 (office)  
(202) 564-8179 (direct)

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OECA Daily Reports - Carry-over items awaiting clearance

From 5/2 – heads up on criminal plea in Yazoo City, Mississippi case involving illegal disposal of gasoline into sewer system.

From 4/27, 4/28, 5/1 – no new items, no report.

From 4/26 – heads up on Syngenta Seeds, LLC.

## **Ex. 5 - Deliberative Process**

From 4/25 - heads up on Vopac settlement and VW decision to not perform emission modifications

From 4/24 – no new items, no report

From 4/21 – no new items, no report

From 4/20 – Heads up on Motion to Enter Freeport Superfund Site Settlement, and criminal sentencing in Gen X Energy.

From 4/18 – No new items

From 4/17 – No new items, XTO Energy cleared

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From 4/12 – No new items, no report

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From 4/4 – Report on deadline for NEPA comments on Atlantic Coast Pipeline – cleared.

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From 3/31 – No new items needing clearance.

From 3/30 – No new items needing clearance

From 3/29/17 – no report. Shifting to morning reports.

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From 3/27/17

From 3/24/17 No new items.

From 3/23/17 - Report on Manke Lumber -- cleared, 4/4/17. Report on Sunoco – cleared, 3/31/17.

From 3/22/17 No new items.

From 3/21/17 daily report – deadline on S.H. Bell - -cleared 3/23/17.

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From 3/16/17 daily report – Report on Westward Seafoods -- cleared, 4/10/17.

From 3/15/17 daily report: Report on US v. Luminant – cleared 4/4.

From 3/14/17 daily report:

Clean Air Act Section 114 information requests –

**Ex. 5- Deliberative; Ex. 7(A)**

## **Ex. 5- Deliberative; Ex. 7(A)**

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U.S. v. Harley Davidson – Harley Davidson sold over 340,000 devises that illegally increased emissions from motor cycles and 12,000 motor cycles that were not properly certified under the Clean Air Act, resulting in significant emissions of hydrocarbons and NOx. This week, DOJ would like to file a Motion to Enter the compliance agreement in which Harley agreed to pay a penalty of \$12M for these violations. Harley also agreed to mitigate the effects of its violations through funding the replacement of wood stoves with cleaner appliances, valued at \$3M. Cong. Jason Chaffetz raised a question about the wood stoves project,

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US v. Nevada Cement - Nevada Cement violated the CAA when it made major modifications to its plant, resulting in significant increased emissions of NOx, without first obtaining a required permit and without installing necessary pollution control equipment. DOJ intends to move to enter a compliance agreement in which Nevada Cement has agreed to install new air pollution control equipment that will reduce NOx emissions by approximately 1,140 tons per year, costing approximately \$2.5 million, and pay a penalty of \$550,000.

**Ex. 5 - Deliberative Process**

**Ex. 5 - Deliberative Process** It is aware of the settlement and is prepared to provide a statement of support, if asked. DOJ has been prepared to file this settlement with the court since March 15, and is waiting to hear from us.

**To:** Dravis, Samantha[dravis.samantha@epa.gov]  
**From:** Jackson, Ryan  
**Sent:** Thur 3/23/2017 5:20:57 PM  
**Subject:** Re: Please send me the Bloomberg BNA piece on WOTUS where Benita Best Wong is quoted.

Ex. 5 - Deliberative Process

Ryan Jackson  
Chief of Staff  
U.S. EPA

Ex. 6 - Personal Privacy

On Mar 23, 2017, at 11:34 AM, Dravis, Samantha <dravis.samantha@epa.gov> wrote:

## Ex. 5 - Deliberative Process

**From:** Konkus, John  
**Sent:** Thursday, March 23, 2017 11:34 AM  
**To:** Dravis, Samantha <dravis.samantha@epa.gov>  
**Cc:** Greenwalt, Sarah <greenwalt.sarah@epa.gov>  
**Subject:** RE: Please send me the Bloomberg BNA piece on WOTUS where Benita Best Wong is quoted.

BN A

[http://esweb.bna.com/eslw/1245/split\\_display.adp?fedfid=107620497&vname=dennotallissues&wsn=499694](http://esweb.bna.com/eslw/1245/split_display.adp?fedfid=107620497&vname=dennotallissues&wsn=499694)

Moving Forward With Water Rule Rewrite at 'Fast Pace': EPA

By Amena H Saiyid 3/22/17

Rewrite of the rule clarifying the geographic scope of the Clean Water Act is occurring at a "fast pace," the top water official at the Environmental Protection Agency said March 21.

"We will be on a fast pace to get something done," Benita Best-Wong, EPA acting deputy



assistant administrator for water, told participants at the two-day National Water Policy Fly-In in Washington as part of Water Week 2017.

Best-Wong stopped short of providing a timeline, but told Bloomberg BNA that EPA Administrator Scott Pruitt wants the rewrite done quickly.

Her words underscored the Trump administration's intention to redo the Clean Water Rule (RIN: 2040-AF30), or waters of the U.S., which 30-plus states and myriads of business, agriculture and property rights groups immediately challenged. The rule took effect in late August, but remained in effect for barely a month before it was stayed by the U.S. Court of Appeals for the Sixth Circuit that began reviewing the legality of the rule.

Currently, the Trump administration is pulling out the stops to withdraw from all judicial challenges to WOTUS. This includes the pending petition before the U.S. Supreme Court over the question of which court is best suited to hear challenges to the water rule.

Regarding the rule's rewrite, Best-Wong said the agencies—the EPA and the U.S. Army Corps of Engineers—are carefully following the direction they received in the executive order to consider the late Supreme Court Justice Antonin Scalia's plurality opinion (*Rapanos v. United States*, 547 U.S. 715, 62 ERC 1481, U.S., 2006).

In the 4–4–1 decision delivered in *Rapanos*, Scalia sought to establish that jurisdiction over wetlands and streams should depend on the presence of waters that continuously flow to relatively permanent bodies of water “as opposed to ordinarily dry channels through which water occasionally or intermittently flows.”

That means streams that are dry part of the time or flow only occasionally, including dry arroyos found in the Southwest, are out. Also out are wetlands that have no visible continuous surface flow to navigable waters, such as prairie potholes, playa lakes and vernal pools.

Two-for-One Order

Best-Wong also discussed the other executive order that requires federal agencies to yank two rules for each final rule that is issued. The EPA is engaged in discussions with the White House Office of Management and Budget to decide which rules would fall into this category, she said.

She said the executive order could apply to the final pretreatment limits issued for mercury in dental amalgam discharged by more than 100,000 dental clinics. The proposed revisions to the lead and copper rule, which are scheduled for release early next year, wouldn't be affected, according to Best-Wong.

The EPA pulled that dental amalgam rule because it was scheduled for publication on the business day following President Donald Trump's first executive order to review all rules and policies that hadn't been published or taken effect.

The National Association of Clean Water Agencies and the Water Environment Federation, which were among the organizers of the water conference, worked closely with the EPA to craft a dental rule that was acceptable to the municipal wastewater utilities and the dental sectors.

Best-Wong and other EPA officials tried to assuage the water officials who expressed their concerns about the “skinny” budget that the White House issued March 16.

The proposed FY-2018 budget for the EPA represented a 30 percent cut below the FY-2016 levels at which the federal government is currently operating. It not only sought funding for the clean water and drinking water state revolving fund programs that were 1.8 percent below the currently enacted levels, but also proposed deep cuts in programs to improve and restore water quality in the agency's regional water quality programs, notably the Great Lakes and the Chesapeake Bay.

‘Beginning of Conversation’

Best-Wong reminded conference participants that the president's proposed budget was “the beginning of the conversation, not the end.”

Absent the funding for the state revolving funds for wastewater and drinking water programs, the cuts to the EPA's budget are closer to 50 percent, said Lynn Broaddus, board member of the Water Environment Federation.

Broaddus exhorted all the water utility officials who are involved in treating wastewater, drinking water, stormwater and reusing water to make their voices heard on Capitol Hill.

Also speaking at the conference was Kevin Shafer, executive director of the Milwaukee Metropolitan Sewerage District, who reminded EPA officials of the valuable research that is funded through the agency's National Priorities Research Program.

He said the Water Environment & Reuse Foundation was funded by this federal research program to set up projects to manage nutrient runoff from urban, agriculture residential and centralized wastewater treatment plants.

**From:** Dravis, Samantha

**Sent:** Thursday, March 23, 2017 11:30 AM

**To:** Konkus, John <[konkus.john@epa.gov](mailto:konkus.john@epa.gov)>

**Cc:** Greenwalt, Sarah <[greenwalt.sarah@epa.gov](mailto:greenwalt.sarah@epa.gov)>

**Subject:** Please send me the Bloomberg BNA piece on WOTUS where Benita Best Wong is quoted.

Samantha Dravis

Senior Counsel / Associate Administrator for Policy

U.S. Environmental Protection Agency



**To:** Dravis, Samantha[dravis.samantha@epa.gov]  
**Cc:** Brown, Byron[brown.byron@epa.gov]  
**From:** Jackson, Ryan  
**Sent:** Wed 3/8/2017 6:41:33 PM  
**Subject:** Re: Reg Reform Officer and Task Force - Approval Needed

That's fine. Thank you.

Ryan Jackson  
Chief of Staff  
U.S. EPA

Ex. 6 - Personal Privacy

On Mar 8, 2017, at 1:38 PM, Dravis, Samantha <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)> wrote:

Ryan,

Per our discussion over the past few days, the Executive Order on *Enforcing the Regulatory Reform Agenda* requires EPA to implement and enforce regulatory reform and alleviate unnecessary regulatory burdens.

As part of this Executive Order, EPA needs to designate an agency official as its Regulatory Reform Officer. In past administrations, this person has typically been the OP director. We will also need to establish a "Regulatory Reform Task Force." Below are my suggestions for what we should send over to OMB, notifying them of these designations. Nothing else is required. On your green light, we will email OMB with the following.

**Regulatory Reform Officer:** Samantha Dravis

**Regulatory Reform Task Force (subject to changes after new political appointees join):**

- [REDACTED] Byron Brown
- [REDACTED] Brittany Bolen

- [REDACTED] Samantha Dravis
- [REDACTED] Ryan Jackson (Chairman) (you could change this if you like)

Thank you, Ryan.

**From:** Nickerson, William  
**Sent:** Tuesday, March 7, 2017 3:40 PM  
**To:** Dravis, Samantha <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)>  
**Cc:** Kenny, Shannon <[Kenny.Shannon@epa.gov](mailto:Kenny.Shannon@epa.gov)>; Rees, Sarah <[rees.sarah@epa.gov](mailto:rees.sarah@epa.gov)>; McGartland, Al <[McGartland.Al@epa.gov](mailto:McGartland.Al@epa.gov)>; Shaw, Nena <[Shaw.Nena@epa.gov](mailto:Shaw.Nena@epa.gov)>  
**Subject:** electronic copies of materials from today's regulatory Executive Orders meeting

Samantha,

Please find attached the documents from today's meeting on the regulatory Executive Orders and the Presidential Memorandum.

In answer to your question about who to notify when the Regulatory Reform Officer has been designated, the Executive Order does not require that we notify anyone. However, based on prior experience, we would suggest that we notify two senior career staff at OMB (Dominic Mancini and Jim Laity) so they are aware of who was selected. We can take care of that once the selection has been made.

We would also suggest informing key political and career staff within EPA about the members of the Regulatory Reform Task Force.

Let me know if you need anything else, or have additional questions. Thank you.

Bill

William (Bill) Nickerson

Associate Office Director

Office of Regulatory Policy and Management  
Office of Policy  
Phone: (202) 566-0326

<Summary of Regulatory EOs.docx>

<Interim guidance on Reducing Regulations EO - Final Version 2-2-17.docx>

<EO 13777.pdf>

<EO 13771.pdf>

<Presidential Memorandum Streamlining Permitting and Reducing Regulatory Burdens for Domestic Manufacturing.docx>

**To:** Shapiro, Mike[Shapiro.Mike@epa.gov]; Breen, Barry[Breen.Barry@epa.gov]  
**Cc:** Flynn, Mike[Flynn.Mike@epa.gov]; Greenwalt, Sarah[greenwalt.sarah@epa.gov]; Brown, Byron[brown.byron@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]  
**From:** Jackson, Ryan  
**Sent:** Tue 3/14/2017 5:28:56 PM  
**Subject:** FW: Governor Eric Holcomb - East Chicago Superfund Site  
[EPA Scott Pruitt Letter.pdf](#)

Gentlemen, Administrator Pruitt will be on a flight tomorrow with likely the Vice President in addition to the President. He spoke yesterday at lunch with the VP about the E Chicago ongoing work. I spoke with the chief of staff for Governor Holcomb a moment ago and received the actual letter myself. Can we put together a very short (very short) briefer for the Administrator on how we can help with their request. Specifically, the Governor's office asked for flexibility to use state SRF existing funds for water filters for residents instead of the usual pipe and infrastructure use of the funds. That's a specific request which we would like to report to the VP on if possible. In addition to that, a recap of how OW and OLEM are working together can work together while SRF funds are being used that it's in conjunction with OLEM remediation activities would also be helpful. Please keep it very short so the Administrator can get back with you if need be on further information.

Mike, this is what I was calling about last night but I waited until I got a little further information.

Thank you.



**To:** Dravis, Samantha[dravis.samantha@epa.gov]; Brown, Byron[brown.byron@epa.gov]  
**Cc:** **Ex. 6 - Personal Privacy**  
**From:** Jackson, Ryan  
**Sent:** Wed 3/22/2017 9:43:26 PM  
**Subject:** RE: This is NOT what Benita was asked to talk about, and her saying Pruitt wants this is totally inappropriate right now.

**Ex. 5 - Deliberative Process**

**From:** Dravis, Samantha  
**Sent:** Wednesday, March 22, 2017 10:19 AM  
**To:** Jackson, Ryan <jackson.ryan@epa.gov>; Brown, Byron <brown.byron@epa.gov>  
**Cc:** **Ex. 6 - Personal Privacy**  
**Subject:** This is NOT what Benita was asked to talk about, and her saying Pruitt wants this is totally inappropriate right now.  
**Importance:** High

<https://insideepa.com/daily-news/trump-two-one-deregulatory-order-halts-epas-dental-amalgam-rule>

## **Ex. 5 - Deliberative Process**

Samantha Dravis

Senior Counsel / Associate Administrator for Policy

U.S. Environmental Protection Agency

**To:** Dravis, Samantha[dravis.samantha@epa.gov]  
**From:** Jackson, Ryan  
**Sent:** Tue 3/14/2017 5:23:41 PM  
**Subject:** FW: Governor Eric Holcomb - East Chicago Superfund Site  
[EPA Scott Pruitt Letter.pdf](#)

I'm on this.

**From:** Lopez, Danny [mailto:DaLopez@gov.IN.gov]  
**Sent:** Tuesday, March 14, 2017 1:20 PM  
**To:** Jackson, Ryan <jackson.ryan@epa.gov>  
**Subject:** Governor Eric Holcomb - East Chicago Superfund Site

Thanks again for your time, Ryan. Very much appreciate the responsiveness of the Administrator and your team to these issues and look forward to connecting again soon.

Attached is the letter we sent. Let me know what else I can provide. I am happy to send over more background and greater detail, as needed.

Thanks,

Danny

Daniel O. Lopez, Deputy Chief of Staff

Office of Governor Eric J. Holcomb

State of Indiana

Cel Ex. 6 - Personal Privacy

[dalopez@gov.in.gov](mailto:dalopez@gov.in.gov)



**To:** Munoz, Charles[munoz.charles@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]; Freire, JP[Freire.JP@epa.gov]; Lyons, Troy[lyons.troy@epa.gov]; Brown, Byron[brown.byron@epa.gov]; Schwab, Justin[schwab.justin@epa.gov]; Fotouhi, David[fotouhi.david@epa.gov]; Greenwalt, Sarah[greenwalt.sarah@epa.gov]; Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]; Davis, Patrick[davis.patrick@epa.gov]; Beck, Nancy[beck.nancy@epa.gov]; Bowman, Liz[Bowman.Liz@epa.gov]; Graham, Amy[graham.amy@epa.gov]; Wilcox, Jahan[wilcox.jahan@epa.gov]; Konkus, John[konkus.john@epa.gov]; Ferguson, Lincoln[ferguson.lincoln@epa.gov]  
**From:** Jackson, Ryan  
**Sent:** Tue 5/2/2017 11:36:20 PM  
**Subject:** RE: Weekly Cabinet-Level Department/Agency Policy and Scheduling Reports  
Department of Energy.Cabinet 30 Look Ahead Report May 2017 (5.2.17).fina....docx

What other's are sending....

-----Original Message-----

From: Jackson, Ryan  
Sent: Tuesday, May 2, 2017 7:23 PM  
To: Munoz, Charles <munoz.charles@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Freire, JP <Freire.JP@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Brown, Byron <brown.byron@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>; Greenwalt, Sarah <greenwalt.sarah@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Davis, Patrick <davis.patrick@epa.gov>; 'beck.nancy@epa.gov' <beck.nancy@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Graham, Amy <graham.amy@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Konkus, John <konkus.john@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>  
Subject: RE: Weekly Cabinet-Level Department/Agency Policy and Scheduling Reports

All, attached is this week's first EPA contribution. Thank you for your help. Next weeks' will be even fuller.

-----Original Message-----

From: Jackson, Ryan  
Sent: Monday, May 1, 2017 11:22 PM  
To: Munoz, Charles <munoz.charles@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Freire, JP <Freire.JP@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Brown, Byron <brown.byron@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>; Greenwalt, Sarah <greenwalt.sarah@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Davis, Patrick <davis.patrick@epa.gov>; 'beck.nancy@epa.gov' <beck.nancy@epa.gov>  
Subject: FW: Weekly Cabinet-Level Department/Agency Policy and Scheduling Reports

This week is the first week to turn in the weekly Cabinet Agency 30-day look aheads. This is something which the WH Staff Secretary has requested so Cabinet Affairs is requiring from each agency.

This will be a good organizing and targeting exercise for us.

I've attached the draft format and a draft version of the beginning of an initial submission from EPA.

Charles is handling the daily calls with the WH as our WH liaison, and has initially volunteered to handle collecting information for this exercise.

Thank you all for your quick contributions to this exercise. I'm looking for reports for Congress, notable grants, in addition to big ticket policy actions and rulemakings.

Ryan.

-----Original Message-----

From: McGinley, William J. EOP/WHO [mailto:Ex. 6 - Personal Privacy]  
Sent: Monday, April 24, 2017 12:12 PM  
To: McGinley, William J. EOP/WHO <Ex. 6 - Personal Privacy>  
Cc: Porter, Robert R. EOP/WHO <Ex. 6 - Personal Privacy>  
Subject: Weekly Cabinet-Level Department/Agency Policy and Scheduling Reports

Greetings,

## **Ex. 5 - Deliberative Process**

Thank you in advance for participating in this important program.

Please do not hesitate to contact us with any questions.

Best,

Bill

William J. McGinley  
Cabinet Secretary  
The White House

Cell: Ex. 6 - Personal Privacy E: Ex. 6 - Personal Privacy

**To:** Jackson, Ryan[jackson.ryan@epa.gov]  
**Cc:** Schwab, Justin[schwab.justin@epa.gov]; Brown, Byron[brown.byron@epa.gov]; Flynn, Mike[Flynn.Mike@epa.gov]; Reeder, John[Reeder.John@epa.gov]; Torma, Tim[Torma.Tim@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]; Greenwalt, Sarah[greenwalt.sarah@epa.gov]; Freire, JP[Freire.JP@epa.gov]; Bennett, Tate[Bennett.Tate@epa.gov]; Cozad, David[Cozad.David@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]; Richardson, RobinH[Richardson.RobinH@epa.gov]; Grantham, Nancy[Grantham.Nancy@epa.gov]; Fotouhi, David[fotouhi.david@epa.gov]  
**From:** Starfield, Lawrence  
**Sent:** Tue 5/2/2017 10:09:43 PM  
**Subject:** Daily enforcement report  
[OECA Daily Report carry-over items 5 2 17.docx](#)

Ryan,

Here is today's daily report from OECA, with addressees added as requested. Just one "heads up":

-

**Criminal Clean Water Act plea:** On May 3, a Mississippi gas station operator is scheduled to plead guilty to federal criminal charges that he violated the Clean Water Act by discharging the contents of an underground storage tank into a sewage line connected to the Yazoo City, Mississippi wastewater treatment system. Vapors from the release entered residences, businesses and a school. EPA initiated the investigation based on information provided by the Mississippi Department of Environmental Quality (MDEQ) (which does not have staff devoted to environmental crimes), and worked with the MDEQ, Yazoo City Public Works, the Yazoo City School Board, the Yazoo City Fire Department and the Center for Toxicology and Environmental Health (an MDEQ Contractor) to develop the case. The U.S. Attorney's Office for the Southern District of Mississippi plans to issue a press release, with a quote from DOJ's Acting Assistant Attorney General Jeff Wood.

Also attached is the list of the items awaiting clearance. Please let us know if you have questions or need further information.

Larry

Larry Starfield  
Acting Assistant Administrator  
Office of Enforcement and Compliance Assurance

(202) 564-2440 (office)

(202) 564-8179 (direct)

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OECA Daily Reports - Carry-over items awaiting clearance

From 4/27, 4/28, 5/1 – no new items, no report.

From 4/26 – heads up on Syngenta Seeds, LLC.

## **Ex. 5 - Deliberative Process**

From 4/25 - heads up on Vopac settlement and VW decision to not perform emission modifications

From 4/24 – no new items, no report

From 4/21 – no new items, no report

From 4/20 – Heads up on Motion to Enter Freeport Superfund Site Settlement, and criminal sentencing in Gen X Energy.

From 4/18 – No new items

From 4/17 – No new items, XTO Energy cleared

From 4/14 - No new items, reminder of deadline on XTO Energy

From 4/13 - No new items, no report

From 4/12 – No new items, no report

From 4/11 – Report on deadline for XTO Energy

From 4/10 – Heads up on appellate brief in U.S. v. Citgo

From 4/7 – no new items, no report

From 4/6 - Heads up on deliverables under the VW settlement. No new items needing Clearance.

From 4/5 – No new items, no report.

From 4/4 – Report on deadline for NEPA comments on Atlantic Coast Pipeline – cleared.

From 4/3 - No new items needing clearance

From 3/31 – No new items needing clearance.

From 3/30 – No new items needing clearance

From 3/29/17 – no report. Shifting to morning reports.

From 3/28/17 No new items.

From 3/27/17

From 3/24/17 No new items.

From 3/23/17 - Report on Manke Lumber -- cleared, 4/4/17. Report on Sunoco – cleared, 3/31/17.

From 3/22/17 No new items.

From 3/21/17 daily report – deadline on S.H. Bell - -cleared 3/23/17.

## **Ex. 5- Deliberative; Ex. 7(A)**

From 3/20/17 daily report – Deadline on VW case – cleared 3/23/17. Deadline on Maxus SF case – cleared 3/22/17.

From 3/17/17 daily report – Report on Toa Alta -- cleared, 4/10/17.

From 3/16/17 daily report – Report on Westward Seafoods -- cleared, 4/10/17.

From 3/15/17 daily report: Report on US v. Luminant – cleared 4/4.

From 3/14/17 daily report:

# Ex. 5- Deliberative; Ex. 7(A)

From 3/13/17 daily report:

U.S. v. Harley Davidson – Harley Davidson sold over 340,000 devices that illegally increased emissions from motor cycles and 12,000 motor cycles that were not properly certified under the Clean Air Act, resulting in significant emissions of hydrocarbons and NOx. This week, DOJ would like to file a Motion to Enter the compliance agreement in which Harley agreed to pay a penalty of \$12M for these violations. Harley also agreed to mitigate the effects of its violations through funding the replacement of wood stoves with cleaner appliances, valued at \$3M. Cong. Jason Chaffetz raised a question about the wood stoves project.

## Ex. 5 - Deliberative Process

### Ex. 5 - Deliberative Process

Enforcement of the mobile source provisions of the Clean Air Act is not delegated to the states. [Update: DOJ is contacting GAO, and we will discuss next steps thereafter. ]

US v. Nevada Cement - Nevada Cement violated the CAA when it made major modifications to its plant, resulting in significant increased emissions of NOx, without first obtaining a required permit and without installing necessary pollution control equipment. DOJ intends to move to enter a compliance agreement in which Nevada Cement has agreed to install new air pollution control equipment that will reduce NOx emissions by approximately 1,140 tons per year, costing approximately \$2.5 million, and pay a penalty of \$550,000.

## Ex. 5 - Deliberative Process

### Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

DOJ has been prepared to file this settlement with the court since March 15, and is waiting to hear from us.

**To:** Jackson, Ryan[jackson.ryan@epa.gov]  
**Cc:** Brown, Byron[brown.byron@epa.gov]; Schwab, Justin[schwab.justin@epa.gov]; Reeder, John[Reeder.John@epa.gov]; Cozad, David[Cozad.David@epa.gov]; Flynn, Mike[Flynn.Mike@epa.gov]; Torma, Tim[Torma.Tim@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]; Greenwalt, Sarah[greenwalt.sarah@epa.gov]; Freire, JP[Freire.JP@epa.gov]; Bennett, Tate[Bennett.Tate@epa.gov]  
**From:** Starfield, Lawrence  
**Sent:** Thur 3/30/2017 1:35:21 PM  
**Subject:** Daily Enforcement Report  
OECA Daily Report carry-over items 3 30 17.docx

Ryan,

We have one new matter to flag for you today:

Des Moines TCE Site, Iowa:

**Ex. 5 - Deliberative; Ex. 7(A)**

**Ex. 5 - Deliberative; Ex. 7(A)**

In addition, below are several items that need a decision in the coming days. More detail on these cases is provided in the attached list of items awaiting clearance.

Manke Lumber Co. –

**Ex. 5 - Deliberative; Ex. 7(A)**

**Ex. 5 - Deliberative; Ex. 7(A)**

U.S. v Sunoco Pipeline, LP – Sunoco violated the Clean Water Act (CWA) when it discharged 1,950 barrels of gasoline from a pipeline in Ohio, contaminating and killing fish in the White Ditch and causing a week-long evacuation of 70 people due to high concentrations of gasoline-

related vapors. On March 28, 2017, DOJ intends to lodge a compliance agreement (CD) in federal district court in which Sunoco has agreed to pay a \$990,000 penalty for these violations (N. Dist., Ohio). **DOJ asked for our concurrence with lodging this compliance agreement by 3/27/17; we need to get back to them as soon as possible.**

Toa Alta Municipal Solid Waste Landfill in Puerto Rico – the liner and leachate controls have been abandoned and damaged, and large volumes of uncontrolled contaminated leachate and storm water are being released, and the landfill is located over an important drinking water aquifer. Region 2 believes they need to issue a unilateral RCRA “imminent and substantial endangerment” order requiring urgent improvements to operations at the landfill, repair of the leachate control system, and the permanent cessation of waste receipt at the landfill. OECA and Region 2 briefed Justin Schwab on this matter on February 15, 2017. **Region 2 and OECA request a decision as soon as possible.**

If you need any additional information, let us know.

Larry

Larry Starfield  
Acting Assistant Administrator  
Office of Enforcement and Compliance Assurance  
(202) 564-8179 (direct)  
(202) 505-0961 (cell)

This message is CONFIDENTIAL, and may contain legally privileged information. If you are not the intended recipient, or believe you received this communication in error, please delete it immediately, do not copy, and notify the sender. Thank you.

OECA Daily Reports - Carry-over items awaiting clearance

3/29/17 – no report. Shifting to morning reports.

From 3/28/17

No new items.

From 3/27/17

From 3/24/17

No new items.

From 3/23/17

U.S. v Sunoco Pipeline, LP – Sunoco violated the Clean Water Act (CWA) when it discharged 1,950 barrels of gasoline from a pipeline in Ohio, contaminating and killing fish in the White Ditch and causing a week-long evacuation of 70 people due to high concentrations of gasoline-related vapors. On March 28, 2017, DOJ intends to lodge a compliance agreement (CD) in federal district court in which Sunoco has agreed to pay a \$990,000 penalty for these violations (N. Dist., Ohio). The oil spill provisions of the CWA are not delegated to the states. EPA needs to advise DOJ by COB Monday April 3 if we concur with lodging this compliance agreement.

Manke Lumber Co. –

**Ex. 5- Deliberative; Ex. 7(A)**

**Ex. 5- Deliberative; Ex. 7(A)**

From 3/22/17

No new items.

From 3/21/17 daily report

**Ex. 5- Deliberative; Ex. 7(A)**

# Ex. 5- Deliberative; Ex. 7(A)

From 3/20/17 daily report - resolved

From 3/17/17 daily report

The Toa Alta Municipal Solid Waste Landfill in Puerto Rico is posing significant risks to public health and the environment. The liner and leachate controls have been abandoned and damaged, and large volumes of uncontrolled contaminated leachate and storm water are being released. The landfill, which is already filled to capacity, is located over an important drinking water aquifer and is in close proximity to residences. During the week of March 20, Region 2 plans to issue a unilateral administrative order under RCRA §7003 (an “imminent and substantial endangerment” provision) to the municipality and several companies that presently or formerly operated the landfill, requiring: certain urgent improvements to operations at the landfill; the prompt evaluation and repair, if possible, of the leachate control system; the permanent cessation of waste receipt at the landfill by a specified date, followed by the application of an intermediate cover; and steps to minimize the landfill serving as a breeding ground for mosquitoes carrying the Zika virus (a significant health threat on the island). No penalty is being sought.

Region 2 has previously taken enforcement actions to abate threats at twelve other landfills in Puerto Rico.

## Ex. 5 - Deliberative Process

### Ex. 5 - Deliberative Process

DECA and Region 2

briefed Justin Schwab on this matter on February 15, 2017. This is a time-sensitive matter, given the overflows from the landfill. If possible, we’d request a response as soon as possible.

From 3/16/17 daily report:

Westward Seafoods - Westward Seafoods operates a seafood processing facility in Dutch Harbor, Alaska that violated the Clean Air Act by operating for two years without using required air pollution controls, resulting in illegal emissions of 105 tons of NOx. The company has a history of serious noncompliance and was the subject of a prior EPA enforcement action. EPA and the State of Alaska, as co-plaintiffs, have negotiated a compliance agreement to resolve the current violations. The agreement requires Westward to correct the violations, install a new monitoring system, and retain an independent third party to verify its compliance. Westward will also implement two energy efficiency environmental mitigation projects at its facility, to offset the illegal NOx emissions, and pay a \$1.3M penalty. DOJ hopes to lodge the agreement in federal district court during the week of March 20. We briefed Justin on this case in February, and will review the case with him early next week.

From 3/15/17 daily report:

US v. Luminant –

**Ex. 5- Deliberative; Ex. 7(A)**

**Ex. 5- Deliberative; Ex. 7(A)**

From 3/14/17 daily report:

Clean Air Act Section 114 information requests –

**Ex. 5- Deliberative; Ex. 7(A)**

**Ex. 5- Deliberative; Ex. 7(A)**

From 3/13/17 daily report:

U.S. v. Harley Davidson – Harley Davidson sold over 340,000 devices that illegally increased emissions from motor cycles and 12,000 motor cycles that were not properly certified under the Clean Air Act, resulting in significant emissions of hydrocarbons and NOx. This week, DOJ would like to file a Motion to Enter the compliance agreement in which Harley agreed to pay a penalty of \$12M for these violations. Harley also agreed to mitigate the effects of its violations through funding the replacement of wood stoves with cleaner appliances, valued at \$3M. Cong. Jason Chaffetz raised a question about the wood stoves project,

**Ex. 5 - Deliberative Process**

**Ex. 5 - Deliberative Process**

Enforcement of the mobile source provisions of the Clean Air Act is not delegated to the states. [Update: DOJ is contacting GAO, and we will discuss next steps thereafter. ]

US v. Nevada Cement - Nevada Cement violated the CAA when it made major modifications to its plant,



resulting in significant increased emissions of NO<sub>x</sub>, without first obtaining a required permit and without installing necessary pollution control equipment. On March 15, 2017 DOJ intends to move to enter a compliance agreement in which Nevada Cement has agreed to install new air pollution control equipment that will reduce NO<sub>x</sub> emissions by approximately 1,140 tons per year, costing approximately \$2.5 million, and pay a penalty of \$550,000.

**Ex. 5 - Deliberative Process**

**Ex. 5 - Deliberative Process**

**To:** Dravis, Samantha[dravis.samantha@epa.gov]  
**Cc:** Bolen, Brittany[bolen.brittany@epa.gov]  
**From:** Jackson, Ryan  
**Sent:** Tue 5/2/2017 4:12:06 PM  
**Subject:** Re: Letter to Gov. Brown

He's reading it now. I advised him I thought it was good.

Ryan Jackson  
Chief of Staff  
U.S. EPA

Ex. 6 - Personal Privacy

On May 2, 2017, at 11:39 AM, Dravis, Samantha <dravis.samantha@epa.gov> wrote:

I left the file with the Administrator for his signature. RJ, if you see him.. it is on his desk.  
As soon as he signs we can get moving.

**From:** Bolen, Brittany  
**Sent:** Tuesday, May 02, 2017 10:34 AM  
**To:** Jackson, Ryan <jackson.ryan@epa.gov>; Dravis, Samantha  
<dravis.samantha@epa.gov>  
**Subject:** RE: Letter to Gov. Brown

Would you like press on this letter? I think it would be good to send to JP and Liz anyway.

**From:** Jackson, Ryan  
**Sent:** Monday, May 1, 2017 7:21 PM  
**To:** Dravis, Samantha <dravis.samantha@epa.gov>; Bolen, Brittany  
<bolen.brittany@epa.gov>  
**Subject:** FW: Letter to Gov. Brown

Crisis averted.

**From:** Catanzaro, Michael J. EOP/WHO [mailto:

Ex. 6 - Personal Privacy

**Sent:** Monday, May 1, 2017 6:10 PM  
**To:** Dravis, Samantha <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)>; Bolen, Brittany <[bolen.brittany@epa.gov](mailto:bolen.brittany@epa.gov)>; Jackson, Ryan <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)>  
**Cc:** Kime, Robin <[Kime.Robin@epa.gov](mailto:Kime.Robin@epa.gov)>  
**Subject:** RE: Letter to Gov. Brown

Ex. 5 - Deliberative Process

**From:** Dravis, Samantha [<mailto:dravis.samantha@epa.gov>]  
**Sent:** Monday, May 1, 2017 5:55 PM  
**To:** Bolen, Brittany <[bolen.brittany@epa.gov](mailto:bolen.brittany@epa.gov)>; Catanzaro, Michael J. EOP/WHO  
**Ex. 6 - Personal Privacy** <[REDACTED]>; Jackson, Ryan <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)>  
**Cc:** Kime, Robin <[Kime.Robin@epa.gov](mailto:Kime.Robin@epa.gov)>  
**Subject:** Letter to Gov. Brown

## Ex. 5 - Deliberative Process

Robin: Please prepare this on the Administrator's letterhead for him to sign tomorrow so we can get this out.

Thanks,

Samantha

**To:** Jackson, Ryan[jackson.ryan@epa.gov]  
**Cc:** Brown, Byron[brown.byron@epa.gov]; Schwab, Justin[schwab.justin@epa.gov]; Reeder, John[Reeder.John@epa.gov]; Cozad, David[Cozad.David@epa.gov]; Flynn, Mike[Flynn.Mike@epa.gov]; Torma, Tim[Torma.Tim@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]; Greenwalt, Sarah[greenwalt.sarah@epa.gov]; Freire, JP[Freire.JP@epa.gov]; Bennett, Tate[Bennett.Tate@epa.gov]  
**From:** Starfield, Lawrence  
**Sent:** Wed 3/29/2017 6:58:43 PM  
**Subject:** RE: Daily Enforcement Report

Based on a discussion with Bryon Brown, we will submit future daily enforcement reports in the morning, rather than at COB. We hope that will be more convenient.

Our next daily will be tomorrow morning by 10 am.

Thanks.

Larry

Larry Starfield  
Acting Assistant Administrator  
Office of Enforcement and Compliance Assurance

(202) 564-2440 (office)  
(202) 564-8179 (direct)

**To:** Munoz, Charles[munoz.charles@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]; Freire, JP[Freire.JP@epa.gov]; Lyons, Troy[lyons.troy@epa.gov]; Brown, Byron[brown.byron@epa.gov]; Schwab, Justin[schwab.justin@epa.gov]; Fotouhi, David[fotouhi.david@epa.gov]; Greenwalt, Sarah[greenwalt.sarah@epa.gov]; Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]; Davis, Patrick[davis.patrick@epa.gov]; Beck, Nancy[beck.nancy@epa.gov]  
**From:** Jackson, Ryan  
**Sent:** Tue 5/2/2017 3:21:33 AM  
**Subject:** FW: Weekly Cabinet-Level Department/Agency Policy and Scheduling Reports  
[Cabinet 30 Look Ahead Report Template.docx](#)  
[EPA 050217 Cabinet 30 Look Ahead Report Template.docx](#)

This week is the first week to turn in the weekly Cabinet Agency 30-day look aheads. This is something which the WH Staff Secretary has requested so Cabinet Affairs is requiring from each agency.

This will be a good organizing and targeting exercise for us.

I've attached the draft format and a draft version of the beginning of an initial submission from EPA.

Charles is handling the daily calls with the WH as our WH liaison, and has initially volunteered to handle collecting information for this exercise.

Thank you all for your quick contributions to this exercise. I'm looking for reports for Congress, notable grants, in addition to big ticket policy actions and rulemakings.

Ryan.

-----Original Message-----

From: McGinley, William J. EOP/WHO [mailto:Ex. 6 - Personal Privacy]  
Sent: Monday, April 24, 2017 12:12 PM  
To: McGinley, William J. EOP/WHO <Ex. 6 - Personal Privacy>  
Cc: Porter, Robert R. EOP/WHO <Ex. 6 - Personal Privacy>  
Subject: Weekly Cabinet-Level Department/Agency Policy and Scheduling Reports

Greetings,

## Ex. 5 - Deliberative Process

# Ex. 5 - Deliberative Process

Thank you in advance for participating in this important program.

Please do not hesitate to contact us with any questions.

Best,  
Bill

William J. McGinley  
Cabinet Secretary  
The White House

Cell: [Ex. 6 - Personal Privacy] E: [Ex. 6 - Personal Privacy]

**To:** Jackson, Ryan[jackson.ryan@epa.gov]  
**Cc:** Brown, Byron[brown.byron@epa.gov]; Schwab, Justin[schwab.justin@epa.gov]; Reeder, John[Reeder.John@epa.gov]; Cozad, David[Cozad.David@epa.gov]; Flynn, Mike[Flynn.Mike@epa.gov]; Torma, Tim[Torma.Tim@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]; Greenwalt, Sarah[greenwalt.sarah@epa.gov]; Freire, JP[Freire.JP@epa.gov]; Bennett, Tate[Bennett.Tate@epa.gov]  
**From:** Starfield, Lawrence  
**Sent:** Tue 3/28/2017 10:26:01 PM  
**Subject:** Daily Enforcement Report  
OECA Daily Report carry-over items 3 28 17.docx

Ryan,

We have no new case filings to flag today. However, there are several items (below) that need a decision in the coming days. More detail on these cases is provided in the attached list of items awaiting clearance.

Manke Lumber Co. – **Ex. 5 - Deliberative; Ex. 7(A)**

**Ex. 5 - Deliberative; Ex. 7(A)**

U.S. and State of California v. HVI Cat Canyon (“Greka”) – **Ex. 5 - Deliberative; Ex. 7(A)**

**Ex. 5 - Deliberative; Ex. 7(A)**

U.S. v Sunoco Pipeline, LP – Sunoco violated the Clean Water Act (CWA) when it discharged 1,950 barrels of gasoline from a pipeline in Ohio, contaminating and killing fish in the White Ditch and causing a week-long evacuation of 70 people due to high concentrations of gasoline-related vapors. On March 28, 2017, DOJ intends to lodge a compliance agreement (CD) in federal district court in which Sunoco has agreed to pay a \$990,000 penalty for these violations (N. Dist., Ohio). **DOJ asked for our concurrence with lodging this compliance agreement by 3/27/17; we need to get back to them as soon as possible.**

Toa Alta Municipal Solid Waste Landfill in Puerto Rico – the liner and leachate controls have been abandoned and damaged, and large volumes of uncontrolled contaminated leachate and storm water are being released, and the landfill is located over an important drinking water aquifer. Region 2 believes they need to issue a unilateral RCRA “imminent and substantial endangerment” order requiring urgent improvements to operations at the landfill, repair of the leachate control system, and the permanent cessation of waste receipt at the landfill. OECA and Region 2 briefed Justin Schwab on this matter on February 15, 2017. **Region 2 and OECA request a decision as soon as possible.**

If you need any additional information, let us know.

Larry

Larry Starfield  
Acting Assistant Administrator  
Office of Enforcement and Compliance Assurance  
(202) 564-8179 (direct)  
(202) 505-0961 (cell)

This message is CONFIDENTIAL, and may contain legally privileged information. If you are not the intended recipient, or believe you received this communication in error, please delete it immediately, do not copy, and notify the sender. Thank you.



From 3/27/17

U.S. and State of California v. HVI Cat Canyon ("Greka") – **Ex. 5 - Deliberative; Ex. 7(A)**

## Ex. 5 - Deliberative; Ex. 7(A)

From 3/24/17

No new items.

From 3/23/17

U.S. v Sunoco Pipeline, LP – Sunoco violated the Clean Water Act (CWA) when it discharged 1,950 barrels of gasoline from a pipeline in Ohio, contaminating and killing fish in the White Ditch and causing a week-long evacuation of 70 people due to high concentrations of gasoline-related vapors. On March 28, 2017, DOJ intends to lodge a compliance agreement (CD) in federal district court in which Sunoco has agreed to pay a \$990,000 penalty for these violations (N. Dist., Ohio). The oil spill provisions of the CWA are not delegated to the states. EPA needs to advise DOJ by COB Monday if we concur with lodging this compliance agreement.

Manke Lumber Co. – **Ex. 5 - Deliberative; Ex. 7(A)**

## Ex. 5 - Deliberative; Ex. 7(A)

From 3/22/17

No new items.

From 3/21/17 daily report

# Ex. 5 - Deliberative; Ex. 7(A)

From 3/20/17 daily report - resolved

From 3/17/17 daily report

The Toa Alta Municipal Solid Waste Landfill in Puerto Rico is posing significant risks to public health and the environment. The liner and leachate controls have been abandoned and damaged, and large volumes of uncontrolled contaminated leachate and storm water are being released. The landfill, which is already filled to capacity, is located over an important drinking water aquifer and is in close proximity to residences. During the week of March 20, Region 2 plans to issue a unilateral administrative order under RCRA §7003 (an “imminent and substantial endangerment” provision) to the municipality and several companies that presently or formerly operated the landfill, requiring: certain urgent improvements to operations at the landfill; the prompt evaluation and repair, if possible, of the leachate control system; the permanent cessation of waste receipt at the landfill by a specified date, followed by the application of an intermediate cover; and steps to minimize the landfill serving as a breeding ground for mosquitoes carrying the Zika virus (a significant health threat on the island). No penalty is being sought.

Region 2 has previously taken enforcement actions to abate threats at twelve other landfills in Puerto Rico.

## Ex. 5 - Deliberative Process

### Ex. 5 - Deliberative Process

DECA and Region 2 briefed Justin Schwab on this matter on February 15, 2017. This is a time-sensitive matter, given the overflows from the landfill. If possible, we’d request a response by early next week.

From 3/16/17 daily report:

Westward Seafoods - Westward Seafoods operates a seafood processing facility in Dutch Harbor, Alaska that violated the Clean Air Act by operating for two years without using required air pollution controls, resulting in illegal emissions of 105 tons of NOx. The company has a history of serious noncompliance and was the subject of a prior EPA enforcement action. EPA and the State of Alaska, as co-plaintiffs, have negotiated a compliance agreement to resolve the current violations. The agreement requires Westward to correct the violations, install a new monitoring system, and retain an independent third party to verify its compliance. Westward will also implement two energy efficiency environmental mitigation projects at its facility, to offset the illegal NOx emissions, and pay a \$1.3M penalty. DOJ plans to lodge the agreement in federal district court during the week of March 20. We briefed Justin on this

case in February, and will review the case with him early next week.

From 3/15/17 daily report:

US v. Luminant –

**Ex. 5 - Deliberative; Ex. 7(A)**

**Ex. 5 - Deliberative; Ex. 7(A)**

From 3/14/17 daily report:

Clean Air Act Section 114 information requests –

**Ex. 5 - Deliberative; Ex. 7(A)**

**Ex. 5 - Deliberative; Ex. 7(A)**

From 3/13/17 daily report:

U.S. v. Harley Davidson – Harley Davidson sold over 340,000 devises that illegally increased emissions from motor cycles and 12,000 motor cycles that were not properly certified under the Clean Air Act, resulting in significant emissions of hydrocarbons and NOx. This week, DOJ would like to file a Motion to Enter the compliance agreement in which Harley agreed to pay a penalty of \$12M for these violations. Harley also agreed to mitigate the effects of its violations through funding the replacement of wood stoves with cleaner appliances, valued at \$3M. Cong. Jason Chaffetz raised a question about the wood stoves project,

**Ex. 5 - Deliberative Process**

**Ex. 5 - Deliberative Process**

Enforcement of the mobile source

provisions of the Clean Air Act is not delegated to the states.

US v. Nevada Cement - Nevada Cement violated the CAA when it made major modifications to its plant, resulting in significant increased emissions of NOx, without first obtaining a required permit and without installing necessary pollution control equipment. On March 15, 2017 DOJ intends to move to enter a compliance agreement in which Nevada Cement has agreed to install new air pollution control equipment that will reduce NOx emissions by approximately 1,140 tons per year, costing approximately \$2.5 million, and pay a penalty of \$550,000.

**Ex. 5 - Deliberative Process**

**Ex. 5 - Deliberative Process**

**To:** Dravis, Samantha[dravis.samantha@epa.gov]  
**From:** Jackson, Ryan  
**Sent:** Wed 3/8/2017 2:11:56 AM  
**Subject:** Re: Chlorpyrifos - Administrator Briefing

I'm kidding. Wendy is actually very helpful. I think I did scare them or surprise them Friday. They are getting us information from Friday but they know where this is headed and they are documenting it well.

Ryan Jackson  
Chief of Staff  
U.S. EPA

Ex. 6 - Personal Privacy

On Mar 7, 2017, at 8:58 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

They are trying to strong arm us. I scared them Friday.

Ryan Jackson  
Chief of Staff  
U.S. EPA

Ex. 6 - Personal Privacy

On Mar 7, 2017, at 8:48 PM, Dravis, Samantha <dravis.samantha@epa.gov> wrote:

I don't know what she's talking about. Did Shannon tell her the administrator needs a briefing??

Sent from my iPhone

Begin forwarded message:

**From:** "Cleland-Hamnett, Wendy" <Cleland-Hamnett.Wendy@epa.gov>  
**Date:** March 7, 2017 at 6:53:32 PM EST  
**To:** "Kenny, Shannon" <Kenny.Shannon@epa.gov>, "Dravis, Samantha" <dravis.samantha@epa.gov>  
**Cc:** "Flynn, Mike" <Flynn.Mike@epa.gov>  
**Subject:** Chlorpyrifos - Administrator Briefing

Can you let me know status? Are we still waiting to find out, or is it not happening tomorrow?

Thanks.

Wendy Cleland-Hamnett

Acting Assistant Administrator

Principal Deputy Assistant Administrator

Office of Chemical Safety & Pollution Prevention

U.S. Environmental Protection Agency

202-564-2910

[cleland-hamnett.wendy@epa.gov](mailto:cleland-hamnett.wendy@epa.gov)

**To:** Dravis, Samantha[dravis.samantha@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]  
**Cc:** Kime, Robin[Kime.Robin@epa.gov]  
**From:** Catanzaro, Michael J. EOP/WHO  
**Sent:** Mon 5/1/2017 10:10:01 PM  
**Subject:** RE: Letter to Gov. Brown

**Ex. 5 - Deliberative Process**

**From:** Dravis, Samantha [mailto:dravis.samantha@epa.gov]  
**Sent:** Monday, May 1, 2017 5:55 PM  
**To:** Bolen, Brittany <bolen.brittany@epa.gov>; Catanzaro, Michael J. EOP/WHO  
**Ex. 6 - Personal Privacy** >; Jackson, Ryan <jackson.ryan@epa.gov>  
**Cc:** Kime, Robin <Kime.Robin@epa.gov>  
**Subject:** Letter to Gov. Brown

**Ex. 5 - Deliberative Process**

Robin: Please prepare this on the Administrator's letterhead for him to sign tomorrow so we can get this out.

Thanks,

Samantha

**To:** Dravis, Samantha[dravis.samantha@epa.gov]  
**Cc:** Brown, Byron[brown.byron@epa.gov]  
**From:** Jackson, Ryan  
**Sent:** Wed 3/8/2017 1:59:18 AM  
**Subject:** Re: Chlorpyrifos Options

No they owe me some information.

Ryan Jackson  
Chief of Staff  
U.S. EPA

**Ex. 6 - Personal Privacy**

On Mar 7, 2017, at 8:46 PM, Dravis, Samantha <dravis.samantha@epa.gov> wrote:

RJ: does the administrator need to be briefed by Wendy et al? Not sure where this left off but just checking.

Sent from my iPhone

Begin forwarded message:

**From:** "Cleland-Hamnett, Wendy" <Cleland-Hamnett.Wendy@epa.gov>  
**Date:** March 7, 2017 at 8:43:34 PM EST  
**To:** "Dravis, Samantha" <dravis.samantha@epa.gov>  
**Cc:** "Kenny, Shannon" <Kenny.Shannon@epa.gov>, "McGartland, Al" <McGartland.Al@epa.gov>  
**Subject: RE: Chlorpyrifos Options**

It hasn't gotten on his calendar as far as I can tell, so help would be appreciated! I'd heard that it might be possible to have a short time tomorrow morning? If not, what's the next opportunity?

Wendy Cleland-Hamnett

Acting Assistant Administrator

Principal Deputy Assistant Administrator



Office of Chemical Safety & Pollution Prevention

U.S. Environmental Protection Agency

202-564-2910

[cleland-hamnett.wendy@epa.gov](mailto:cleland-hamnett.wendy@epa.gov)

**From:** Dravis, Samantha

**Sent:** Tuesday, March 07, 2017 8:38 PM

**To:** Cleland-Hamnett, Wendy <[Cleland-Hamnett.Wendy@epa.gov](mailto:Cleland-Hamnett.Wendy@epa.gov)>

**Cc:** Kenny, Shannon <[Kenny.Shannon@epa.gov](mailto:Kenny.Shannon@epa.gov)>; McGartland, Al  
<[McGartland.Al@epa.gov](mailto:McGartland.Al@epa.gov)>

**Subject:** Re: Chlorpyrifos Options

Wendy, I'm not sure where things left off on getting on the Administrator's calendar.  
Can I help move that forward? Did you get that sorted out? Thanks for the briefing.

Sent from my iPhone

On Mar 7, 2017, at 8:31 PM, Cleland-Hamnett, Wendy <[Cleland-Hamnett.Wendy@epa.gov](mailto:Cleland-Hamnett.Wendy@epa.gov)> wrote:

We're still working on a short overall briefing which provides some background to this, and for which this would be the last slide. But here's what we've developed with OGC on options. We would talk about impacts of different options in the briefing.

**Ex. 5 - Deliberative Process**

**Ex. 5 - Deliberative Process**

## **Ex. 5 - Deliberative Process**

## **Ex. 5 - Deliberative Process**

## **Ex. 5 - Deliberative Process**

<image001.png>

Wendy Cleland-Hamnett

Acting Assistant Administrator

Principal Deputy Assistant Administrator

Office of Chemical Safety & Pollution Prevention

U.S. Environmental Protection Agency

202-564-2910

[cleland-hamnett.wendy@epa.gov](mailto:cleland-hamnett.wendy@epa.gov)

**To:** Schwab, Justin[schwab.justin@epa.gov]  
**Cc:** Dravis, Samantha[dravis.samantha@epa.gov]; Brown, Byron[brown.byron@epa.gov]  
**From:** Jackson, Ryan  
**Sent:** Tue 3/14/2017 9:53:15 AM  
**Subject:** Re: Time Sensitive - North Coast FIP - Deadline Wednesday.

We are planning to convene at 8. However I can absolutely understand folks not being able to get in.

Ryan Jackson  
Chief of Staff  
U.S. EPA

Ex. 6 - Personal Privacy

On Mar 14, 2017, at 5:47 AM, Schwab, Justin <[schwab.justin@epa.gov](mailto:schwab.justin@epa.gov)> wrote:

OPM has announced a 3 hour delay - does that affect meeting or are we still convening at 8?  
Sent from my iPhone

On Mar 14, 2017, at 5:15 AM, Jackson, Ryan <[jackson.ryaepa.gov](mailto:jackson.ryaepa.gov)> wrote:

Exactly.

We sees paper and starting talking about what he's like to see when sometimes that's already done.

Ryan Jackson  
Chief of Staff  
U.S. EPA

Ex. 6 - Personal Privacy

On Mar 13, 2017, at 8:49 PM, Dravis, Samantha <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)> wrote:

I will print the briefing materials in the morning just in case, but hopefully you can just talk him through it with no paper.

**From:** Jackson, Ryan  
**Sent:** Monday, March 13, 2017 8:22 PM  
**To:** Dravis, Samantha <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)>  
**Cc:** Brown, Byron <[brown.byron@epa.gov](mailto:brown.byron@epa.gov)>; Schwab, Justin <[schwab.justin@epa.gov](mailto:schwab.justin@epa.gov)>  
**Subject:** RE: Time Sensitive - North Coast FIP - Deadline Wednesday.

We need to talk with him in the morning. Justin will you attend the 8am with Pruitt?

**From:** Dravis, Samantha  
**Sent:** Monday, March 13, 2017 5:17 PM  
**To:** Jackson, Ryan <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)>  
**Cc:** Brown, Byron <[brown.byron@epa.gov](mailto:brown.byron@epa.gov)>; Schwab, Justin <[schwab.justin@epa.gov](mailto:schwab.justin@epa.gov)>  
**Subject:** Time Sensitive - North Coast FIP - Deadline Wednesday.  
**Importance:** High

RJ:

This is the same issue that we raised this morning on the North Coast FIP – I had them re-work the briefing material hopefully to Scott’s liking.

However, as you know this is very time sensitive. We need to get a decision on it hopefully tonight, or perhaps in the morning.

## Ex. 5 - Deliberative Process

Can you get this in front of him, should I print it for the meeting? Let me know how you want to handle.

Samantha

**From:** Minoli, Kevin  
**Sent:** Monday, March 13, 2017 5:07 PM  
**To:** Jackson, Ryan <jackson.ryan@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Brown, Byron <brown.byron@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>  
**Cc:** Schmidt, Lorie <Schmidt.Lorie@epa.gov>  
**Subject:** RE: Clean Version of the Paper on North Coast FIP

Sorry about that. Please try this paper. Kevin

**Kevin S. Minoli**

Acting General Counsel

Office of General Counsel

US Environmental Protection Agency

Main Office Line: 202-564-8040

**From:** Minoli, Kevin  
**Sent:** Monday, March 13, 2017 5:04 PM  
**To:** Jackson, Ryan <jackson.ryan@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Brown, Byron <brown.byron@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>  
**Cc:** Schmidt, Lorie (Schmidt.Lorie@epa.gov) <Schmidt.Lorie@epa.gov>  
**Subject:** Clean Version of the Paper on North Coast FIP

Hi Folks- Attached is a clean version of a briefing paper for the Administrator regarding the requested FIP for the North Coast AQMD. We are happy to answer any questions he or any of you may have on the matter. Thanks, Kevin

**Kevin S. Minoli**

**Acting General Counsel**

**Office of General Counsel**

**US Environmental Protection Agency**

**Main Office Line: 202-564-8040**

**To:** Minoli, Kevin[Minoli.Kevin@epa.gov]; Starfield, Lawrence[Starfield.Lawrence@epa.gov]; Schwab, Justin[schwab.justin@epa.gov]; Fotouhi, David[fotouhi.david@epa.gov]; Brown, Byron[brown.byron@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]  
**From:** Jackson, Ryan  
**Sent:** Sun 4/30/2017 10:35:08 PM

Until we get further staff and those staff organized in the program offices, I would like all on this list to receive the daily OECA reports and the periodic report of matters from OGC. Thanks.

Ryan Jackson

Chief of Staff

U.S. Environmental Protection Agency

**Ex. 6 - Personal Privacy**

**To:** Jackson, Ryan[jackson.ryan@epa.gov]  
**Cc:** Schwab, Justin[schwab.justin@epa.gov]; Brown, Byron[brown.byron@epa.gov]; Flynn, Mike[Flynn.Mike@epa.gov]; Reeder, John[Reeder.John@epa.gov]; Torma, Tim[Torma.Tim@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]; Greenwalt, Sarah[greenwalt.sarah@epa.gov]; Freire, JP[Freire.JP@epa.gov]; Bennett, Tate[Bennett.Tate@epa.gov]; Cozad, David[Cozad.David@epa.gov]; Thomas, Deb[thomas.debrah@epa.gov]; Szaro, Deb[Szaro.Deb@epa.gov]  
**From:** Starfield, Lawrence  
**Sent:** Tue 4/11/2017 5:27:01 PM  
**Subject:** Daily Enforcement Report  
[OECA Daily Report carry-over items 4 11 17.docx](#)

Ryan,

We have one case filing deadline to flag today:

XTO Energy, Inc -

**Ex. 5 - Deliberative; Ex. 7(A)**

**Ex. 5 - Deliberative; Ex. 7(A)**

I wanted to give you a heads up on two items:

Fiat-Chrysler -

**Ex. 5 - Deliberative; Ex. 7(A)**

**Ex. 5 - Deliberative; Ex. 7(A)**



**Cutler Naval Air Station** (Cutler, Maine) – Region 1 is ready to sign and finalize a consent agreement with the Navy to resolve Clean Air Act violations for illegal carbon monoxide air emissions from five diesel generators at the Cutler Naval Air Station that did not have proper emission controls. Under the agreement, the Navy has agreed to install and operate the appropriate controls and pay a civil penalty of \$811,000.

Also attached is a list of the items awaiting clearance. Please let us know if you have questions or need further information.

Larry

Larry Starfield  
Acting Assistant Administrator  
Office of Enforcement and Compliance Assurance

(202) 564-2440 (office)  
(202) 564-8179 (direct)

This message is CONFIDENTIAL, and may contain legally privileged information. If you are not the intended recipient, or believe you received this communication in error, please delete it immediately, do not copy, and notify the sender. Thank you.

OECA Daily Reports - Carry-over items awaiting clearance

From 4/10 – Heads up on appellate brief in U.S. v. Citgo

From 4/7 – no new items, no report

From 4/6 - Heads up on deliverables under the VW settlement. No new items needing Clearance.

From 4/5 – No new items, no report.

From 4/4 – Report on deadline for NEPA comments on Atlantic Coast Pipeline – cleared.

From 4/3 - No new items needing clearance

From 3/31 – No new items needing clearance.

From 3/30 – No new items needing clearance

From 3/29/17 – no report. Shifting to morning reports.

From 3/28/17 No new items.

From 3/27/17

From 3/24/17 No new items.

From 3/23/17 - Report on Manke Lumber -- cleared, 4/4/17. Report on Sunoco – cleared, 3/31/17.

From 3/22/17 No new items.

From 3/21/17 daily report – deadline on S.H. Bell - -cleared 3/23/17.

**Ex. 5 - Deliberative; Ex. 7(A)**

From 3/20/17 daily report – Deadline on VW case – cleared 3/23/17. Deadline on Maxus SF case – cleared 3/22/17.

From 3/17/17 daily report – Report on Toa Alta -- cleared, 4/10/17.

From 3/16/17 daily report – Report on Westward Seafoods -- cleared, 4/10/17.

From 3/15/17 daily report: Report on US v. Luminant – cleared 4/4.

From 3/14/17 daily report:

Clean Air Act Section 114 information requests –

**Ex. 5 - Deliberative; Ex. 7(A)**

## **Ex. 5 - Deliberative; Ex. 7(A)**

From 3/13/17 daily report:

U.S. v. Harley Davidson – Harley Davidson sold over 340,000 devises that illegally increased emissions from motor cycles and 12,000 motor cycles that were not properly certified under the Clean Air Act, resulting in significant emissions of hydrocarbons and NOx. This week, DOJ would like to file a Motion to Enter the compliance agreement in which Harley agreed to pay a penalty of \$12M for these violations. Harley also agreed to mitigate the effects of its violations through funding the replacement of wood stoves with cleaner appliances, valued at \$3M. Cong. Jason Chaffetz raised a question about the wood stoves project,

**Ex. 5 - Deliberative Process**

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Enforcement of the mobile source provisions of the Clean Air Act is not delegated to the states. [Update: DOJ is contacting GAO, and we will discuss next steps thereafter. ]

US v. Nevada Cement - Nevada Cement violated the CAA when it made major modifications to its plant, resulting in significant increased emissions of NOx, without first obtaining a required permit and without installing necessary pollution control equipment. DOJ intends to move to enter a compliance agreement in which Nevada Cement has agreed to install new air pollution control equipment that will reduce NOx emissions by approximately 1,140 tons per year, costing approximately \$2.5 million, and pay a penalty of \$550,000.

**Ex. 5 - Deliberative Process**

**Ex. 5 - Deliberative Process**

**Ex. 5 - Deliberative Process**

DOJ has been prepared to file this settlement with the court since March 15, and is waiting to hear from us.

**To:** Schwab, Justin[schwab.justin@epa.gov]  
**Cc:** Dravis, Samantha[dravis.samantha@epa.gov]; Brown, Byron[brown.byron@epa.gov]  
**From:** Jackson, Ryan  
**Sent:** Tue 3/14/2017 9:14:07 AM  
**Subject:** Re: Time Sensitive - North Coast FIP - Deadline Wednesday.

Yes

Ryan Jackson  
Chief of Staff  
U.S. EPA

Ex. 6 - Personal Privacy

On Mar 13, 2017, at 9:01 PM, Schwab, Justin <[schwab.justin@epa.gov](mailto:schwab.justin@epa.gov)> wrote:

Happy to attend if I can be of help. Where is the 8am held? In SP's office?

Sent from my iPhone

On Mar 13, 2017, at 8:49 PM, Dravis, Samantha <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)> wrote:

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**Cc:** Brown, Byron <[brown.byron@epa.gov](mailto:brown.byron@epa.gov)>; Schwab, Justin <[schwab.justin@epa.gov](mailto:schwab.justin@epa.gov)>  
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**To:** Jackson, Ryan <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)>; Dravis, Samantha <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)>; Brown, Byron <[brown.byron@epa.gov](mailto:brown.byron@epa.gov)>; Schwab, Justin <[schwab.justin@epa.gov](mailto:schwab.justin@epa.gov)>  
**Cc:** Schmidt, Lorie <[Schmidt.Lorie@epa.gov](mailto:Schmidt.Lorie@epa.gov)>  
**Subject:** RE: Clean Version of the Paper on North Coast FIP

Sorry about that. Please try this paper. Kevin

**Kevin S. Minoli**

**Acting General Counsel**

**Office of General Counsel**

**US Environmental Protection Agency**

**Main Office Line: 202-564-8040**

**From:** Minoli, Kevin

**Sent:** Monday, March 13, 2017 5:04 PM

**To:** Jackson, Ryan <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)>; Dravis, Samantha <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)>; Brown, Byron <[brown.byron@epa.gov](mailto:brown.byron@epa.gov)>; Schwab, Justin <[schwab.justin@epa.gov](mailto:schwab.justin@epa.gov)>

**Cc:** Schmidt, Lorie ([Schmidt.Lorie@epa.gov](mailto:Schmidt.Lorie@epa.gov)) <[Schmidt.Lorie@epa.gov](mailto:Schmidt.Lorie@epa.gov)>

**Subject:** Clean Version of the Paper on North Coast FIP

Hi Folks- Attached is a clean version of a briefing paper for the Administrator regarding the requested FIP for the North Coast AQMD. We are happy to answer any questions he or any of you may have on the matter. Thanks, Kevin

**Kevin S. Minoli**

**Acting General Counsel**

**Office of General Counsel**

**US Environmental Protection Agency**

**Main Office Line: 202-564-8040**



**To:** Jackson, Ryan[jackson.ryan@epa.gov]  
**Cc:** Schwab, Justin[schwab.justin@epa.gov]; Brown, Byron[brown.byron@epa.gov]; Flynn, Mike[Flynn.Mike@epa.gov]; Reeder, John[Reeder.John@epa.gov]; Torma, Tim[Torma.Tim@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]; Greenwalt, Sarah[greenwalt.sarah@epa.gov]; Freire, JP[Freire.JP@epa.gov]; Bennett, Tate[Bennett.Tate@epa.gov]; Cozad, David[Cozad.David@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]; Richardson, RobinH[Richardson.RobinH@epa.gov]; Grantham, Nancy[Grantham.Nancy@epa.gov]; Fotouhi, David[fotouhi.david@epa.gov]  
**From:** Starfield, Lawrence  
**Sent:** Thur 5/11/2017 4:51:37 PM  
**Subject:** Daily enforcement report  
[OECA Daily Report carry-over items 5 11 17.docx](#)

Ryan,

Here is today's daily report from OECA, with two "heads up" items:

Alon, USA, LP –

**Ex. 5 - Deliberative; Ex. 7(A)**

## **Ex. 5 - Deliberative; Ex. 7(A)**

**Company to Plead Guilty in Fatal 2012 Gulf of Mexico Oil Drilling Platform Explosion** – In November 2012, an explosion and fire occurred on an oil production platform killing three employees and injuring several others. The explosion also caused the release of approximately 500 barrels of crude oil into the Gulf of Mexico. On May 12, 2017, Black Elk Energy (BEE) is set plead guilty in the Eastern District of Louisiana to violating eight felony counts of the Outer Continental Shelf Lands Act (OCSLA) and one count of violating the Clean Water Act. BEE will pay a criminal fine of \$4.2 million. In an earlier plea in the same case, contractor Wood Group PSN admitted that its employees were negligent in the way they authorized hot work on the platform and pled guilty to violating the Clean Water Act and False Statements. Wood Group PSN was ordered to pay a \$9.5 million criminal fine. Other defendants remain pending trial.



Also attached is the list of the items awaiting clearance. Please let us know if you have questions or need further information.

Larry

Larry Starfield  
Acting Assistant Administrator  
Office of Enforcement and Compliance Assurance

(202) 564-2440 (office)  
(202) 564-8179 (direct)

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OECA Daily Reports - Carry-over items awaiting clearance

From 5/10 – no new items, no report

From 5/9 – no new items, no report

From 5/8 – no new items, no report

From 5/5 – no new items, no report

From 5/4 – no new items, no report

From 5/3 – heads up on proposed order for Gowanus Canal Superfund Site

From 5/2 – heads up on criminal plea in Yazoo City, Mississippi case involving illegal disposal of gasoline into sewer system.

From 4/27, 4/28, 5/1 – no new items, no report.

From 4/26 – heads up on Syngenta Seeds, LLC.

## **Ex. 5 - Deliberative Process**

From 4/25 - heads up on Vopac settlement and VW decision to not perform emission modifications

From 4/24 – no new items, no report

From 4/21 – no new items, no report

From 4/20 – Heads up on Motion to Enter Freeport Superfund Site Settlement, and criminal sentencing in Gen X Energy.

From 4/18 – No new items

From 4/17 – No new items, XTO Energy cleared

From 4/14 - No new items, reminder of deadline on XTO Energy

From 4/13 - No new items, no report

From 4/12 – No new items, no report

From 4/11 – Report on deadline for XTO Energy

From 4/10 – Heads up on appellate brief in U.S. v. Citgo

From 4/7 – no new items, no report

From 4/6 - Heads up on deliverables under the VW settlement. No new items needing Clearance.

From 4/5 – No new items, no report.

From 4/4 – Report on deadline for NEPA comments on Atlantic Coast Pipeline – cleared.

From 4/3 - No new items needing clearance

From 3/31 – No new items needing clearance.

From 3/30 – No new items needing clearance

From 3/29/17 – no report. Shifting to morning reports.

From 3/28/17 No new items.

From 3/27/17

From 3/24/17 No new items.

From 3/23/17 - Report on Manke Lumber -- cleared, 4/4/17. Report on Sunoco – cleared, 3/31/17.

From 3/22/17 No new items.

From 3/21/17 daily report – deadline on S.H. Bell - -cleared 3/23/17.

**Ex. 5 - Deliberative; Ex. 7(A)**

## Ex. 5 - Deliberative; Ex. 7(A)

From 3/20/17 daily report – Deadline on VW case – cleared 3/23/17. Deadline on Maxus SF case – cleared 3/22/17.

From 3/17/17 daily report – Report on Toa Alta -- cleared, 4/10/17.

From 3/16/17 daily report – Report on Westward Seafoods -- cleared, 4/10/17.

From 3/15/17 daily report: Report on US v. Luminant – cleared 4/4.

From 3/14/17 daily report:

Clean Air Act Section 114 information requests –

Ex. 5 - Deliberative; Ex. 7(A)

## Ex. 5 - Deliberative; Ex. 7(A)

From 3/13/17 daily report:

U.S. v. Harley Davidson – Harley Davidson sold over 340,000 devises that illegally increased emissions from motor cycles and 12,000 motor cycles that were not properly certified under the Clean Air Act, resulting in significant emissions of hydrocarbons and NOx. This week, DOJ would like to file a Motion to Enter the compliance agreement in which Harley agreed to pay a penalty of \$12M for these violations. Harley also agreed to mitigate the effects of its violations through funding the replacement of wood stoves with cleaner appliances, valued at \$3M. Cong. Jason Chaffetz raised a question about the wood stoves project,

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Enforcement of the mobile source provisions of the Clean Air Act is not delegated to the states. [Update: DOJ is contacting GAO, and we will discuss next steps thereafter. ]

US v. Nevada Cement - Nevada Cement violated the CAA when it made major modifications to its plant, resulting in significant increased emissions of NOx, without first obtaining a required permit and without installing necessary pollution control equipment. DOJ intends to move to enter a compliance agreement in which Nevada Cement has agreed to install new air pollution control equipment that will reduce NOx emissions by approximately 1,140 tons per year, costing approximately \$2.5 million, and pay a penalty of \$550,000.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

DOJ has been prepared to file this settlement with the court since March 15, and is waiting to hear from us.

**To:** Jackson, Ryan[jackson.ryan@epa.gov]  
**Cc:** Brown, Byron[brown.byron@epa.gov]; Schwab, Justin[schwab.justin@epa.gov]; Reeder, John[Reeder.John@epa.gov]; Cozad, David[Cozad.David@epa.gov]; Flynn, Mike[Flynn.Mike@epa.gov]; Torma, Tim[Torma.Tim@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]; Greenwalt, Sarah[greenwalt.sarah@epa.gov]; Freire, JP[Freire.JP@epa.gov]; Bennett, Tate[Bennett.Tate@epa.gov]  
**From:** Starfield, Lawrence  
**Sent:** Mon 3/27/2017 10:53:18 PM  
**Subject:** Daily Enforcement Report  
OECA Daily Report carry-over items 3 27 17.docx

Ryan,

We have one additional case filing to flag today:

U.S. and State of California v. HVI Cat Canyon ("Greka") – **Ex. 5 - Deliberative; Ex. 7(A)**

## **Ex. 5 - Deliberative; Ex. 7(A)**

In addition, there are two items (below) that need a decision in the coming days. More detail on these cases is provided in the attached list of items awaiting clearance.

U.S. v Sunoco Pipeline, LP – Sunoco violated the Clean Water Act (CWA) when it discharged 1,950 barrels of gasoline from a pipeline in Ohio, contaminating and killing fish in the White Ditch and causing a week-long evacuation of 70 people due to high concentrations of gasoline-related vapors. On March 28, 2017, DOJ intends to lodge a compliance agreement (CD) in federal district court in which Sunoco has agreed to pay a \$990,000 penalty for these violations (N. Dist., Ohio). **DOJ asked for our concurrence with lodging this compliance agreement by COB today; we need to get back to them as soon as possible.**

Toa Alta Municipal Solid Waste Landfill in Puerto Rico – the liner and leachate controls have been abandoned and damaged, and large volumes of uncontrolled contaminated leachate and storm water are being released, and the landfill is located over an important drinking water aquifer. Region 2 believes they need to issue a unilateral RCRA “imminent and substantial endangerment” order requiring urgent improvements to operations at the landfill, repair of the leachate control system, and the permanent cessation of waste receipt at the landfill. OECA and Region 2 briefed Justin Schwab on this matter on February 15, 2017. **Region 2 and OECA request a decision as soon as possible.**

If you need any additional information, let us know.

Larry

Larry Starfield  
Acting Assistant Administrator  
Office of Enforcement and Compliance Assurance  
(202) 564-8179 (direct)  
(202) 505-0961 (cell)

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OECA Daily Reports - Carry-over items awaiting clearance

From 3/24/17

No new items.

From 3/23/17

U.S. v Sunoco Pipeline, LP – Sunoco violated the Clean Water Act (CWA) when it discharged 1,950 barrels of gasoline from a pipeline in Ohio, contaminating and killing fish in the White Ditch and causing a week-long evacuation of 70 people due to high concentrations of gasoline-related vapors. On March 28, 2017, DOJ intends to lodge a compliance agreement (CD) in federal district court in which Sunoco has agreed to pay a \$990,000 penalty for these violations (N. Dist., Ohio). The oil spill provisions of the CWA are not delegated to the states. EPA needs to advise DOJ by COB Monday if we concur with lodging this compliance agreement.

Manke Lumber Co. –

**Ex. 5 - Deliberative; Ex. 7(A)**

**Ex. 5 - Deliberative; Ex. 7(A)**

From 3/22/17

No new items.

From 3/21/17 daily report

**Ex. 5 - Deliberative; Ex. 7(A)**

Region 8 are working to set up a briefing for Byron Brown.

From 3/20/17 daily report - resolved

From 3/17/17 daily report

The Toa Alta Municipal Solid Waste Landfill in Puerto Rico is posing significant risks to public health and the environment. The liner and leachate controls have been abandoned and damaged, and large volumes of uncontrolled contaminated leachate and storm water are being released. The landfill, which is already filled to capacity, is located over an important drinking water aquifer and is in close proximity to residences. During the week of March 20, Region 2 plans to issue a unilateral administrative order under RCRA §7003 (an “imminent and substantial endangerment” provision) to the municipality and several companies that presently or formerly operated the landfill, requiring: certain urgent improvements to operations at the landfill; the prompt evaluation and repair, if possible, of the leachate control system; the permanent cessation of waste receipt at the landfill by a specified date, followed by the application of an intermediate cover; and steps to minimize the landfill serving as a breeding ground for mosquitoes carrying the Zika virus (a significant health threat on the island). No penalty is being sought.

Region 2 has previously taken enforcement actions to abate threats at twelve other landfills in Puerto Rico.

#### **Ex. 5 - Deliberative Process**

#### **Ex. 5 - Deliberative Process**

OECA and Region 2

briefed Justin Schwab on this matter on February 15, 2017. This is a time-sensitive matter, given the overflows from the landfill. If possible, we’d request a response by early next week.

From 3/16/17 daily report:

Westward Seafoods - Westward Seafoods operates a seafood processing facility in Dutch Harbor, Alaska that violated the Clean Air Act by operating for two years without using required air pollution controls, resulting in illegal emissions of 105 tons of NOx. The company has a history of serious noncompliance and was the subject of a prior EPA enforcement action. EPA and the State of Alaska, as co-plaintiffs, have negotiated a compliance agreement to resolve the current violations. The agreement requires Westward to correct the violations, install a new monitoring system, and retain an independent third party to verify its compliance. Westward will also implement two energy efficiency environmental mitigation projects at its facility, to offset the illegal NOx emissions, and pay a \$1.3M penalty. DOJ plans to lodge the agreement in federal district court during the week of March 20. We briefed Justin on this case in February, and will review the case with him early next week.

From 3/15/17 daily report:

US v. Luminant -

**Ex. 5 - Deliberative; Ex. 7(A)**

## **Ex. 5 - Deliberative; Ex. 7(A)**



# Ex. 5 - Deliberative; Ex. 7(A)

From 3/14/17 daily report:

Clean Air Act Section 114 information requests –

Ex. 5 - Deliberative; Ex. 7(A)

## Ex. 5 - Deliberative; Ex. 7(A)

From 3/13/17 daily report:

U.S. v. Harley Davidson – Harley Davidson sold over 340,000 devices that illegally increased emissions from motor cycles and 12,000 motor cycles that were not properly certified under the Clean Air Act, resulting in significant emissions of hydrocarbons and NOx. This week, DOJ would like to file a Motion to Enter the compliance agreement in which Harley agreed to pay a penalty of \$12M for these violations. Harley also agreed to mitigate the effects of its violations through funding the replacement of wood stoves with cleaner appliances, valued at \$3M. Cong. Jason Chaffetz raised a question about the wood stoves project,

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Enforcement of the mobile source provisions of the Clean Air Act is not delegated to the states.

US v. Nevada Cement - Nevada Cement violated the CAA when it made major modifications to its plant, resulting in significant increased emissions of NOx, without first obtaining a required permit and without installing necessary pollution control equipment. On March 15, 2017 DOJ intends to move to enter a compliance agreement in which Nevada Cement has agreed to install new air pollution control equipment that will reduce NOx emissions by approximately 1,140 tons per year, costing approximately \$2.5 million, and pay a penalty of \$550,000.

Ex. 5 - Deliberative Process

## Ex. 5 - Deliberative Process

**To:** Jackson, Ryan[jackson.ryan@epa.gov]  
**Cc:** Schwab, Justin[schwab.justin@epa.gov]; Brown, Byron[brown.byron@epa.gov]; Flynn, Mike[Flynn.Mike@epa.gov]; Reeder, John[Reeder.John@epa.gov]; Torma, Tim[Torma.Tim@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]; Greenwalt, Sarah[greenwalt.sarah@epa.gov]; Freire, JP[Freire.JP@epa.gov]; Bennett, Tate[Bennett.Tate@epa.gov]; Cozad, David[Cozad.David@epa.gov]  
**From:** Starfield, Lawrence  
**Sent:** Mon 4/10/2017 4:55:01 PM  
**Subject:** Daily Enforcement Report  
[OECA Daily Report carry-over items 4 10 17.docx](#)

Ryan,

I wanted to give you a heads up on one Item:

**U.S. v. CITGO –**

**Ex. 5 - Deliberative; Ex. 7(A)**

**Ex. 5 - Deliberative; Ex. 7(A)**

Also attached is a list of the items awaiting clearance. Please let us know if you have questions or need further information.

Larry

Larry Starfield  
Acting Assistant Administrator  
Office of Enforcement and Compliance Assurance

(202) 564-2440 (office)  
(202) 564-8179 (direct)

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OECA Daily Reports - Carry-over items awaiting clearance

From 4/7 – no new items, no report

From 4/6 - Heads up on deliverables under the VW settlement. No new items needing Clearance.

From 4/5 – No new items, no report.

From 4/4 – Report on deadline for NEPA comments on Atlantic Coast Pipeline – cleared.

From 4/3 - No new items needing clearance

From 3/31 – No new items needing clearance.

From 3/30 – No new items needing clearance

From 3/29/17 – no report. Shifting to morning reports.

From 3/28/17 No new items.

From 3/27/17

From 3/24/17 No new items.

From 3/23/17 - Report on Manke Lumber -- cleared, 4/4/17. Report on Sunoco – cleared, 3/31/17.

From 3/22/17 No new items.

From 3/21/17 daily report – deadline on S.H. Bell - -cleared 3/23/17.

## **Ex. 5 - Deliberative; Ex. 7(A)**

From 3/20/17 daily report – Deadline on VW case – cleared 3/23/17. Deadline on Maxus SF case – cleared 3/22/17.

From 3/17/17 daily report – Report on Toa Alta -- cleared, 4/10/17.

From 3/16/17 daily report – Report on Westward Seafoods -- cleared, 4/10/17.

From 3/15/17 daily report: Report on US v. Luminant – cleared 4/4.

From 3/14/17 daily report:

Clean Air Act Section 114 information requests –

**Ex. 5 - Deliberative; Ex. 7(A)**

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**Ex. 5 - Deliberative Process**

**Ex. 5 - Deliberative Process**

Enforcement of the mobile source provisions of the Clean Air Act is not delegated to the states. [Update: DOJ is contacting GAO, and we will discuss next steps thereafter. ]

US v. Nevada Cement - Nevada Cement violated the CAA when it made major modifications to its plant, resulting in significant increased emissions of NOx, without first obtaining a required permit and without installing necessary pollution control equipment. DOJ intends to move to enter a compliance agreement in which Nevada Cement has agreed to install new air pollution control equipment that will reduce NOx emissions by approximately 1,140 tons per year, costing approximately \$2.5 million, and pay a penalty of \$550,000.

**Ex. 5 - Deliberative Process**

**Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

DOJ has been prepared to file this settlement with the court since March 15, and is waiting to hear from us.

**To:** Dravis, Samantha[dravis.samantha@epa.gov]  
**Cc:** Brown, Byron[brown.byron@epa.gov]  
**From:** Jackson, Ryan  
**Sent:** Tue 3/7/2017 5:50:23 PM  
**Subject:** Re: Proposed FR Notice Announcing Review of ORD Draft Integrated Science Assessment

## **Ex. 5 - Deliberative Process**

Ryan Jackson  
Chief of Staff  
U.S. EPA

**Ex. 6 - Personal Privacy**

On Mar 7, 2017, at 12:24 PM, Dravis, Samantha <dravis.samantha@epa.gov> wrote:

## **Ex. 5 - Deliberative Process**

**From:** Jackson, Ryan  
**Sent:** Tuesday, March 7, 2017 12:19 PM  
**To:** Dravis, Samantha <dravis.samantha@epa.gov>  
**Cc:** Brown, Byron <brown.byron@epa.gov>  
**Subject:** Re: Proposed FR Notice Announcing Review of ORD Draft Integrated Science Assessment

## **Ex. 5 - Deliberative Process**

Ryan Jackson

Chief of Staff

U.S. EPA

**Ex. 6 - Personal Privacy**

On Mar 7, 2017, at 12:09 PM, Dravis, Samantha <dravis.samantha@epa.gov> wrote:

## **Ex. 5 - Deliberative Process**

## Ex. 5 - Deliberative Process

## Ex. 5 - Deliberative Process

## Ex. 5 - Deliberative Process

**From:** Jackson, Ryan  
**Sent:** Tuesday, March 7, 2017 10:31 AM  
**To:** Dravis, Samantha <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)>  
**Subject:** Re: Proposed FR Notice Announcing Review of ORD Draft Integrated Science Assessment

## Ex. 5 - Deliberative Process

Ryan Jackson

Chief of Staff

U.S. EPA

### Ex. 6 - Personal Privacy

On Mar 7, 2017, at 9:24 AM, Dravis, Samantha <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)> wrote:

Are you okay with moving forward on this?

**From:** Connors, Sandra  
**Sent:** Tuesday, March 7, 2017 10:00 AM  
**To:** Dravis, Samantha <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)>  
**Cc:** Schnare, David <[schnare.david@epa.gov](mailto:schnare.david@epa.gov)>; Flynn, Mike <[Flynn.Mike@epa.gov](mailto:Flynn.Mike@epa.gov)>; Kenny, Shannon <[Kenny.Shannon@epa.gov](mailto:Kenny.Shannon@epa.gov)>  
**Subject:** Proposed FR Notice Announcing Review of ORD Draft Integrated

## Science Assessment

Samantha – Good morning and welcome to EPA!

As you are working through the backlog of FR notices, David Schnare asked that I share with you this ORD submission to publish for external review and comment a draft Integrated Science Assessment (ISA) for Oxides of Nitrogen Oxides of Sulfur and Particulate Matter – Ecological Criteria. This report updates previously published 2008/2009 ISAs. The request to move forward with publication in the FR was originally vetted with Don Benton several weeks ago, and then subsequently reviewed with David over the last week. While David has not reviewed the entire document, he has indicated he is comfortable with proceeding to take comment on this extensive report.

The public comment will feed into a public meeting of the Clean Air Scientific Advisory Committee (CASAC) on May 24-25. ORD is eager to get this published given the length of the document and the need to provide the comments in advance to the CASAC members. Sarah Rees has been extremely helpful in navigating the FR process and is aware of this submission.

Sandra

---

Sandra L. Connors  
Senior Advisor

Office of the Administrator  
US Environmental Protection Agency  
1200 Pennsylvania Avenue, Room 3411  
Washington, DC 20460  
(202)564-4231

[connors.sandra@epa.gov](mailto:connors.sandra@epa.gov)



**To:** Dravis, Samantha[dravis.samantha@epa.gov]  
**From:** Jackson, Ryan  
**Sent:** Sun 3/26/2017 10:02:46 PM  
**Subject:** RE: letter to staff disbanding sector strategies

Well.....

## Ex. 5 - Deliberative Process

## Ex. 5 - Deliberative Process

**From:** Dravis, Samantha  
**Sent:** Sunday, March 26, 2017 6:00 PM  
**To:** Jackson, Ryan <jackson.ryan@epa.gov>  
**Subject:** RE: letter to staff disbanding sector strategies

## Ex. 5 - Deliberative Process

**From:** Jackson, Ryan  
**Sent:** Sunday, March 26, 2017 5:49 PM  
**To:** Dravis, Samantha <dravis.samantha@epa.gov>  
**Subject:** FW: letter to staff disbanding sector strategies

Did you see this?

**From:** Kime, Robin  
**Sent:** Tuesday, February 28, 2017 9:31 AM  
**To:** Jackson, Ryan <jackson.ryan@epa.gov>  
**Subject:** letter to staff disbanding sector strategies

Hi

This was issued by the OP Division Director at the time, Bob Benson. He currently works in OW.

**To:** Dravis, Samantha[dravis.samantha@epa.gov]  
**Cc:** Schwab, Justin[schwab.justin@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]; Brown, Byron[brown.byron@epa.gov]; Rees, Sarah[rees.sarah@epa.gov]  
**From:** Minoli, Kevin  
**Sent:** Thur 3/16/2017 1:22:32 PM  
**Subject:** Re: Dental Amalgam Rule

Hi Samantha- Just to follow my email to you and Ryan to the larger group, please set up the meeting for anytime from 10:30 on and I will prioritize it and be sure and be there. Thanks, Kevin

Kevin S. Minoli  
Acting General Counsel  
Office of General Counsel  
US Environmental Protection Agency  
Main Office Line: 202-564-8040

On Mar 16, 2017, at 7:55 AM, Dravis, Samantha <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)> wrote:

Just to clarify – this rule was submitted in January to the Office of Federal Register after it was signed by McCarthy – it was signed very very late in the game before Administrator McCarthy left - it was then pulled back in the short interim period between public inspection and final publication by the EPA Beachhead team after the Priebus memorandum.

## Ex. 5 - Deliberative Process; Attorney-Client

Please let me know when you are available to meet on this today.

Thanks.

**From:** Minoli, Kevin  
**Sent:** Wednesday, March 15, 2017 9:03 PM

**To:** Dravis, Samantha <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)>  
**Cc:** Schwab, Justin <[schwab.justin@epa.gov](mailto:schwab.justin@epa.gov)>; Jackson, Ryan <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)>;  
Brown, Byron <[brown.byron@epa.gov](mailto:brown.byron@epa.gov)>  
**Subject:** Re: Dental Amalgam Rule

Samantha- I'm happy to talk early tomorrow morning (although if there are any meetings related to the PresBud I would need to prioritize that).

## **Ex. 5 - Deliberative Process; Attorney-Client**

Kevin

Kevin S. Minoli  
Acting General Counsel  
Office of General Counsel  
US Environmental Protection Agency  
Main Office Line: 202-564-8040

On Mar 15, 2017, at 8:22 PM, Dravis, Samantha <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)> wrote:

Kevin and Justin,

RJ would like your analysis on an issue that has cropped up this afternoon, and it is timely. We made a decision last night to publish the Dental Amalgam Rule and began the process today of teeing that up for signature. In thinking through the implications of the rule, the Office of Policy staff today discovered that this rule would implicate President Trump's Executive Order on Reducing Regulations and Regulatory Costs which requires that for every one new regulation two be eliminated. Sarah Rees in my office did some analysis and concluded that dental amalgam is caught by the 2:1 EO because 1) it is a significant rule, with costs estimated to be approximately \$60 million on an annual basis, and 2) while it was signed by the previous Administrator, it has to

be signed by Administrator Pruitt in order to be published in the Federal Register, so would be a rule issued after 1/20/2017. OMB guidance clarifies that actions proposed prior to 1/20/2017 are included. This rule went through interagency review and has already been deemed “significant.”

Under the 2:1 EO, we have to identify 2 deregulatory actions for each new significant action that we do. We also have to offset the costs of the new action, and for fiscal year 2017 be net zero on regulatory costs. OMB’s guidance on the 2:1 EO clarifies that we need to identify the 2 deregulatory actions and how we will offset the cost prior to issuing the new action. Their guidance further specifies that the most appropriate way to do that is to discuss in the preamble of the rule. So we would have to 1) identify the deregulatory actions, 2) find the cost offsets, and 3) describe this in the preamble before issuing the rule according to OMB’s guidance. We also have to finalize the 2 deregulatory actions this fiscal year.

According to Sarah, Dental amalgam is estimated to cost \$60 million per year. So we’d have to identify a total of \$60 million per year saving from other rules that would be finalized in fiscal year 2017. We are in the preliminary stages of assessing where we are in terms of required cost offsets - \$60 million per year is significant and unless some larger rules are rolled back – and rolled back in a way that we can be net-zero in fiscal year 2017 – it will be tough for us to meet. Right now we have one-time cost savings of ~38 million from the Methane ICR. Not much else unless some of our other

## **Ex. 5 - Deliberative Process**

## **Ex. 5 - Deliberative Process**

Thanks,

Samantha

Samantha Dravis

Senior Counsel / Associate Administrator for Policy

U.S. Environmental Protection Agency

**To:** Jackson, Ryan[jackson.ryan@epa.gov]  
**Cc:** Schwab, Justin[schwab.justin@epa.gov]; Brown, Byron[brown.byron@epa.gov]; Flynn, Mike[Flynn.Mike@epa.gov]; Reeder, John[Reeder.John@epa.gov]; Torma, Tim[Torma.Tim@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]; Greenwalt, Sarah[greenwalt.sarah@epa.gov]; Freire, JP[Freire.JP@epa.gov]; Bennett, Tate[Bennett.Tate@epa.gov]; Cozad, David[Cozad.David@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]; Richardson, RobinH[Richardson.RobinH@epa.gov]; Grantham, Nancy[Grantham.Nancy@epa.gov]  
**From:** Starfield, Lawrence  
**Sent:** Thur 4/20/2017 4:45:02 PM  
**Subject:** Daily enforcement report  
[OECA Daily Report carry-over items 4 20 17.docx](#)

Ryan,

Here is today's daily report from OECA. Just one "heads up" item:

-

VW – Criminal Sentencing: On April 21, Volkswagen AG (VW) will be sentenced in US District Court. The court is expected to accept the parties' plea agreement, in which VW pled guilty to three felonies and agreed to pay a \$2.8 billion penalty. This stems from the company's long-running scheme to illegally sell approximately 590,000 diesel vehicles in the U.S. by using a defeat device to cheat on emissions tests mandated by the Environmental Protection Agency (EPA) and the California Air Resources Board (CARB), and lying and obstructing justice to further the scheme. Additional criminal charges against VW executives and employees are pending.

Also attached is the list of the items awaiting clearance. Please let us know if you have questions or need further information.

Larry

Larry Starfield  
Acting Assistant Administrator  
Office of Enforcement and Compliance Assurance

(202) 564-2440 (office)  
(202) 564-8179 (direct)

This message is CONFIDENTIAL, and may contain legally privileged information. If you are not the intended recipient, or believe you received this communication in error, please delete it immediately, do not copy, and notify the sender. Thank you.



OECA Daily Reports - Carry-over items awaiting clearance

From 4/20 – Heads up on Motion to Enter Freeport Superfund Site Settlement, and criminal sentencing in Gen X Energy.

From 4/18 – No new items

From 4/17 – No new items, XTO Energy cleared

From 4/14 - No new items, reminder of deadline on XTO Energy

From 4/13 - No new items, no report

From 4/12 – No new items, no report

From 4/11 – Report on deadline for XTO Energy

From 4/10 – Heads up on appellate brief in U.S. v. Citgo

From 4/7 – no new items, no report

From 4/6 - Heads up on deliverables under the VW settlement. No new items needing Clearance.

From 4/5 – No new items, no report.

From 4/4 – Report on deadline for NEPA comments on Atlantic Coast Pipeline – cleared.

From 4/3 - No new items needing clearance

From 3/31 – No new items needing clearance.

From 3/30 – No new items needing clearance

From 3/29/17 – no report. Shifting to morning reports.

From 3/28/17 No new items.

From 3/27/17

From 3/24/17 No new items.

From 3/23/17 - Report on Manke Lumber -- cleared, 4/4/17. Report on Sunoco – cleared, 3/31/17.

From 3/22/17 No new items.

From 3/21/17 daily report – deadline on S.H. Bell - -cleared 3/23/17.

## Ex. 5 - Deliberative; Ex. 7(A)

From 3/20/17 daily report – Deadline on VW case – cleared 3/23/17. Deadline on Maxus SF case – cleared 3/22/17.

From 3/17/17 daily report – Report on Toa Alta -- cleared, 4/10/17.

From 3/16/17 daily report – Report on Westward Seafoods -- cleared, 4/10/17.

From 3/15/17 daily report: Report on US v. Luminant – cleared 4/4.

From 3/14/17 daily report:

Clean Air Act Section 114 information requests –

Ex. 5 - Deliberative; Ex. 7(A)

## Ex. 5 - Deliberative; Ex. 7(A)

From 3/13/17 daily report:

U.S. v. Harley Davidson – Harley Davidson sold over 340,000 devises that illegally increased emissions from motor cycles and 12,000 motor cycles that were not properly certified under the Clean Air Act, resulting in significant emissions of hydrocarbons and NOx. This week, DOJ would like to file a Motion to Enter the compliance agreement in which Harley agreed to pay a penalty of \$12M for these violations. Harley also agreed to mitigate the effects of its violations through funding the replacement of wood stoves with cleaner appliances, valued at \$3M. Cong. Jason Chaffetz raised a question about the wood stoves project,

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

provisions of the Clean Air Act is not delegated to the states. [Update: DOJ is contacting GAO, and we will discuss next steps thereafter. ]

Enforcement of the mobile source

US v. Nevada Cement - Nevada Cement violated the CAA when it made major modifications to its plant, resulting in significant increased emissions of NOx, without first obtaining a required permit and without installing necessary pollution control equipment. DOJ intends to move to enter a compliance agreement in which Nevada Cement has agreed to install new air pollution control equipment that will reduce NOx emissions by approximately 1,140 tons per year, costing approximately \$2.5 million, and pay a penalty of \$550,000.

**Ex. 5 - Deliberative Process**

**Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

DOJ has been prepared to file this settlement with the court since March 15, and is waiting to hear from us.

**To:** william.j.mcginley@ [Ex. 6 - Personal Privacy]  
robert.r.porter@ [Ex. 6 - Personal Privacy]  
**Cc:** Dravis, Samantha[dravis.samantha@epa.gov]  
**From:** Jackson, Ryan  
**Sent:** Sat 5/27/2017 2:32:57 PM  
**Subject:** Follow up.  
PRESIDENT TRUMP FINAL.docx  
ATT00001.txt

## **Ex. 5 - Presidential Communications Privilege**

# **Ex. 5 - Deliberative Process**

Always appreciated.

Ryan.

**To:** Jackson, Ryan[jackson.ryan@epa.gov]  
**Cc:** Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]; Bowman, Liz[Bowman.Liz@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]; Schwab, Justin[schwab.justin@epa.gov]; Drinkard, Andrea[Drinkard.Andrea@epa.gov]; Dunham, Sarah[Dunham.Sarah@epa.gov]; Rees, Sarah[rees.sarah@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Mon 5/22/2017 8:49:19 PM  
**Subject:** Re: For Approval: News Release re: NSPS Landfills

Has this gone?? If not HOLD

This has some errors

Sent from my iPad

On May 22, 2017, at 3:21 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

Let's add and go with this.

**From:** Gunasekara, Mandy  
**Sent:** Monday, May 22, 2017 3:18 PM  
**To:** Bowman, Liz <Bowman.Liz@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>  
**Cc:** Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Dunham, Sarah <Dunham.Sarah@epa.gov>; Rees, Sarah <rees.sarah@epa.gov>  
**Subject:** RE: For Approval: News Release re: NSPS Landfills

Let's incorporate a reference to the Energy Independence EO: Consistent with or pursuant to EO 13783, EPA will continue to review the NSPS and EG for municipal solid waste landfills to ensure ...

**From:** Bowman, Liz  
**Sent:** Monday, May 22, 2017 2:38 PM  
**To:** Dravis, Samantha <dravis.samantha@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>  
**Cc:** Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Dunham, Sarah <Dunham.Sarah@epa.gov>; Rees, Sarah <rees.sarah@epa.gov>  
**Subject:** For Approval: News Release re: NSPS Landfills

All – Below, for your review, please find the press statement on the Landfill Air Rules stay. We worked with the program office on this release and would like to get it out ASAP, since the stay was signed today. Please let me know if you have any edits. Thank you – Liz

## **EPA Stays Landfill Methane Rules**

# **Ex. 5 - Deliberative Process**

Liz Bowman

U.S. Environmental Protection Agency (EPA)

Deputy Associate Administrator for Public Affairs

Office: 202-564-3293

**Cc:** Bolen, Brittany[bolen.brittany@epa.gov]  
**To:** Jackson, Ryan[jackson.ryan@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Mon 5/22/2017 8:46:58 PM

B and I are at the WH. But we need to push pause on the emails to Deb - we will come talk to you asap when we get back.

Sent from my iPad



**To:** Jackson, Ryan[jackson.ryan@epa.gov]; Bowman, Liz[Bowman.Liz@epa.gov]; Graham, Amy[graham.amy@epa.gov]; Freire, JP[Freire.JP@epa.gov]; Lyons, Troy[lyons.troy@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Mon 5/22/2017 6:07:23 PM  
**Subject:** RE: testimony

Process for BOSC nominations?

**From:** Jackson, Ryan  
**Sent:** Monday, May 22, 2017 2:01 PM  
**To:** Bowman, Liz <Bowman.Liz@epa.gov>; Graham, Amy <graham.amy@epa.gov>; Freire, JP <Freire.JP@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>  
**Subject:** testimony

The GC, Acting AA for ORD and I are calling the witness for tomorrow this afternoon.

However, do we have a backgrounder or FAQ prepared describing our process?

Ryan Jackson

Chief of Staff

U.S. Environmental Protection Agency

Ex. 6 - Personal Privacy

**To:** Nishida, Jane[Nishida.Jane@epa.gov]  
**Cc:** Hupp, Millan[hupp.millan@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Mon 5/1/2017 2:08:41 PM  
**Subject:** Italy

Jane,

# Ex. 5 - Deliberative Process

Thanks again,

Samantha

**To:** Freire, JP[Freire.JP@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]  
**Cc:** Bowman, Liz[Bowman.Liz@epa.gov]; Wilcox, Jahan[wilcox.jahan@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Thur 5/11/2017 4:14:19 PM  
**Subject:** RE: ORD Scientific Integrity Event

## Ex. 5 - Deliberative Process

**From:** Freire, JP  
**Sent:** Thursday, May 11, 2017 12:13 PM  
**To:** Dravis, Samantha <dravis.samantha@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>  
**Cc:** Bowman, Liz <Bowman.Liz@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>  
**Subject:** FW: ORD Scientific Integrity Event

## Ex. 5 - Deliberative Process

Center for Progressive Reform  
Project on Government Oversight  
Environmental Defense Fund  
George Washington University  
American Chemistry  
Union of Concerned Scientists  
Society for Conservation Biology  
Natural Resources Defense Council  
American Association for the Advancement of Science  
American Geophysical Union  
Public Employees for Environmental Responsibility  
Global Women's Institute (George Washington University)  
Natural Resources Defense Council  
Environmental Defense Fund  
George Washington University  
Project on Government Oversight  
Society of Environmental Journalists  
Public Citizen  
Open the Government  
American Lung Association  
American Lung Association  
Society of Professional Journalists  
Society of Professional Journalists

Health Effects Institute  
Reporters Committee for Freedom of the Press  
Investigative Reporters and Editors  
Environmental Integrity Project  
Wisconsin Public Radio  
Health Effects Institute  
Federation of American Societies for Experimental Biology  
Federation of American Societies for Experimental Biology  
Global Biodiversity Center (Colorado State University)  
American Association for the Advancement of Science  
Union of Concerned Scientists  
American Federation of Labor and Congress of Industrial  
Organizations  
American Chemical Society  
National Center for Health Research  
George Washington University  
World Resources Institute  
Resources for the Future  
Demos  
Earthjustice  
Public Citizen  
Union of Concerned Scientists

**From:** Grantham, Nancy  
**Sent:** Thursday, May 11, 2017 12:09 PM  
**To:** Freire, JP <[Freire.JP@epa.gov](mailto:Freire.JP@epa.gov)>  
**Subject:** FW: ORD Scientific Integrity Event

This is the save the date that went out – see stakeholder list attached ..thanks

**Nancy Grantham**

**Office of Public Affairs**

**US Environmental Protection Agency**

**202-564-6879 (desk)**

Ex. 6 - Personal Privacy (mobile)

**From:** Burden, Susan  
**Sent:** Wednesday, May 10, 2017 10:40 AM  
**To:** Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto:Grantham.Nancy@epa.gov)>  
**Subject:** RE: ORD Scientific Integrity Event

It turns out that the save-the-date email went out Monday afternoon. Attached is a list of the email recipients, and here is the text of the email:

Subject: EPA Scientific Integrity Annual Stakeholder Meeting

Greetings,

It is my pleasure to invite you to the U.S. Environmental Protection Agency's (EPA's) Scientific Integrity Annual Stakeholder Meeting. At this meeting, as the EPA Scientific Integrity Official, I will answer your questions, share current scientific integrity initiatives, and discuss future plans for scientific integrity at EPA. Details are as follows:

EPA Scientific Integrity Annual Stakeholder Meeting

Wednesday, June 14th, 2017

3:00-5:00 PM

Ronald Reagan Building Mezzanine, Room 301 A-B

RSVP Required: [scientific\\_integrity@epa.gov](mailto:scientific_integrity@epa.gov)<[mailto:scientific\\_integrity@epa.gov](mailto:scientific_integrity@epa.gov)>

Audioconference No: Ex. 6 - Personal Privacy code: Ex. 6 - Personal Privacy

Adobe Connect Link: Ex. 6 - Personal Privacy

\*To access this meeting, attendees must check in with security using a valid government-issued photo ID. All attendees should RSVP to facilitate their admittance to the building.

I hope that you will join me to learn more about how we are ensuring a culture of scientific integrity at EPA.

Sincerely,

Francesca T. Grifo, Ph. D.

Scientific Integrity Official

US EPA Office of the Science Advisor

202-564-1687

<http://www.epa.gov/osa/basic-information-about-scientific-integrity>

**From:** Grantham, Nancy  
**Sent:** Wednesday, May 10, 2017 8:47 AM  
**To:** Burden, Susan <[Burden.Susan@epa.gov](mailto:Burden.Susan@epa.gov)>  
**Subject:** Re: ORD Scientific Integrity Event

At pads meeting

On May 10, 2017, at 8:05 AM, Burden, Susan <[Burden.Susan@epa.gov](mailto:Burden.Susan@epa.gov)> wrote:

Do you have time to talk before the 8:30?

Thanks,

Susan

Special Assistant (ORD, OCSPP, OCHP, SAB)

Office of the Administrator

U.S. Environmental Protection Agency

Phone: (202) 564-6308 | (202) 740-0169

On May 10, 2017, at 6:41 AM, Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto:Grantham.Nancy@epa.gov)> wrote:

I picked up on it as well – let's talk

**Nancy Grantham**

**Office of Public Affairs**

**US Environmental Protection Agency**

**202-564-6879 (desk)**

Ex. 6 - Personal Privacy (mobile)

**From:** Burden, Susan

**Sent:** Tuesday, May 09, 2017 11:24 AM

**To:** Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto:Grantham.Nancy@epa.gov)>

**Subject:** ORD Scientific Integrity Event

Hi Nancy,

This was in ORD's weekly report from last week:

**Save the Date for June 14 Annual Stakeholder Meeting on Scientific Integrity**

Next week, save the date notifications will be sent out about the Annual Scientific Integrity Program Stakeholder Meeting. EPA will host the meeting on June 14<sup>th</sup>. It is an opportunity for external stakeholders to hear about scientific integrity updates from the Scientific Integrity Official.

Is this on your radar? Can we chat about this when you have a minute?

Thanks,

Susan

Special Assistant (ORD, OCSPP, OCHP, SAB)

Office of the Administrator

U.S. Environmental Protection Agency

Phone: (202) 564-6308 | (202) 740-0169



**To:** David Schwietert[DSchwietert@autoalliance.org];  
bollen.brittany@epa.gov[bollen.brittany@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]  
**Cc:** Jennifer Thomas[JThomas@autoalliance.org]  
**From:** Dravis, Samantha  
**Sent:** Mon 5/1/2017 1:15:15 PM  
**Subject:** RE: Useful article on Auto sales/growth

Thank you – please note correct spelling of Brittany Bolen’s email address:  
[bollen.brittany@epa.gov](mailto:bollen.brittany@epa.gov) it only has one “l”

Thanks!

**From:** David Schwietert [mailto:DSchwietert@autoalliance.org]  
**Sent:** Monday, May 01, 2017 8:55 AM  
**To:** bollen.brittany@epa.gov; Dravis, Samantha <dravis.samantha@epa.gov>; Jackson, Ryan  
<jackson.ryan@epa.gov>  
**Cc:** Jennifer Thomas <JThomas@autoalliance.org>  
**Subject:** Useful article on Auto sales/growth

Ryan, Samantha and Brittany,

I caught this article earlier and figured you would also appreciate it.

Following our Board’s meeting with the Administrator last week, this article helps to underscore the close relationship between government policy and what that ultimately means to manufacturers and consumers. This is especially poignant with the unprecedented seven years of growth between 2009-2016 and the increasing slope of regulations – particularly the fuel efficiency standards that are being reevaluated thanks to the work of the Administration and your boss.

Dave

---



# A \$50,000 Chrysler Van Explains Why U.S. Auto Sales Are Slowing

By Jamie Butters and Keith Naughton | May 1, 2017 05:00AM ET | Bloomberg Government

(Bloomberg) -- To understand why the U.S. auto market isn't growing, consider a top-of-the-line minivan from Fiat Chrysler Automobiles NV now costs about \$50,000.

With twin second-row touch screens, reclining third-row seats, a vacuum and automated parallel parking, the Chrysler Pacifica packs plenty of features to justify a hefty expense. But this big a price tag puts the prototypical family vehicle out of reach for most Americans.

After U.S. auto sales fell in each of the first three months of the year, the annualized sales pace, adjusted for seasonal trends, probably slowed in April to about 17.1 million, from 17.4 million a year earlier. With marginal buyers beginning to balk due to sticker shock, Ford Motor Co. cautioned last week it's not going to be able to count on price increases to boost North American profits the rest of this year.

"At some point that will be one of the aspects that will continue to drive down the volume," [Bob Shanks](#), Ford's chief financial officer, said in an interview. "It will become tougher."

The average new-car price in the U.S. rose about 2 percent over the past year, according to [data](#) from TrueCar Inc.'s ALG. That's an increase more consumers may have been able to stomach when borrowing costs were low and loose credit made pricier trucks and sport utility vehicles more attainable.

"Honestly, the average American doesn't come into a new-car dealership," said Steven Szakaly, chief economist of the [National Automobile Dealers Association](#). "We're only selling new cars to about 5 percent of the U.S. population."

## Automobiles News News Alert

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As inflation generally outstrips wage increases and young adults find themselves buried under student debt, new cars are becoming less feasible for some would-be buyers, said Michelle Krebs, a senior analyst with Cox Automotive.

“It’s not just the price of the cars -- it’s the price of everything else,” she said. “The price of things like health care, shelter -- all of that is fighting for the budget.”

If vehicle purchases per million driving-age Americans were the same as in 2000, the industry would be selling almost 20 million new light vehicles a year -- well beyond last year’s record of just under 17.6 million. Instead, the U.S. auto sector is on pace for its first year of decline since 2009.

“We’re starting to see the slowdown in 2017 we’ve been anticipating,” said [Jessica Caldwell](#), executive director of industry analysis for car-shopping website Edmunds.com. “These year-over-year declines may become more typical as the year progresses.”

With the exception of Nissan Motor Co., the biggest automakers in the U.S. are projected to report declining U.S. sales for the month of April, according to a Bloomberg News survey of analysts. Fiat Chrysler and [Honda Motor Co.](#) may post declines of more than 5 percent.

In an effort to keep new vehicles moving off the lots, automakers have ratcheted

up discounting. Spending on incentives last month through April 16 reached a record for the month of \$3,499, according to J.D. Power.

Heavy discounts and ample supply of used vehicles coming off leases are depressing used-car values. The NADA Used Car Guide's price index declined in March to the lowest since September 2010, fueling concerns about the fallout for automakers, lenders and car-rental companies.

"Sales have been pretty strong, credit has been pretty stable and all that's transitioning right now," Jeff Brown, the chief executive officer of auto lender Ally Financial Inc., said last week in a phone interview.

U.S. car and light truck sales estimates for April 2017		Change from April 2016				
Analyst - Company		Toyota	Honda	Nissan	Hyundai/Kia	VW
Jessica Caldwell - Edmunds.com		-4.8%	-6.7%	-0.1%	-5.1%	-3.1%
Tim Fleming - Kelley Blue Book		-4.8	-4.6	-0.7	-4.8	0.0
Brian Johnson - Barclays		-4.8	-4.5	-1.6	-4.3	-1.0
Erin Sunde - WardsAuto		-4.7	-0.7	-0.5	-6.0	2.0
Joseph Spak - RBC Capital Markets		-1.8	-9.8	1.1	-7.0	-1.0
<b>Analyst average</b>		<b>-4.2%</b>	<b>-5.3%</b>	<b>1.5%</b>	<b>-5.0%</b>	<b>-0.1%</b>

U.S. car and light truck sales April 2017, selling-day adjusted figures		Analyst - Company	GM	Ford	Chrysler
		David Tamberrino - Goldman Sachs	2.5%	-3.4%	-1.0%
		Ryan Brinkman - JPMorgan	-1.0	1.0	-1.0
		Brian Johnson - Barclays	2.0	-2.1	-1.0
		Joseph Spak - RBC Capital Markets	4.9	1.1	-1.0
		<b>Analyst average</b>	<b>2.1%</b>	<b>-0.9%</b>	<b>-1.0%</b>

Sources: Data compiled by Bloomberg    Note: April had 26 selling days, one fewer than in 2016.

One factor supporting higher new car prices has been the lack of competitive pressure from two- and three-year-old vehicles, the like-new cars typically sold as part of certified pre-owned programs. But that's starting to change. About 3.6 million vehicle lease s are projected to expire this year -- and more than 4 million next year, according to auto-auction company Manheim -- supply is increasing and giving shoppers on the fringe of the new-car market some options.

"We've definitely seen that some of the demand has shifted from new to used," Jason Kulas, CEO of Santander Consumer USA, said last week on a conference call.

--With assistance from Gabrielle Coppola and Jenny Surane.

To contact the reporters on this story:

Jamie Butters in Southfield, Michigan, at [jbutters@bloomberg.net](mailto:jbutters@bloomberg.net);

Keith Naughton in Southfield, Michigan at [knaughton3@bloomberg.net](mailto:knaughton3@bloomberg.net)

To contact the editors responsible for this story:

Craig Trudell at [ctrudell1@bloomberg.net](mailto:ctrudell1@bloomberg.net)

Anne Riley Moffat

## Automobiles News News Alert

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**To:** Jackson, Ryan[jackson.ryan@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Thur 5/11/2017 12:52:29 PM  
**Subject:** Re:

In Rome?

Sent from my iPhone

> On May 11, 2017, at 8:39 AM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:  
>  
> Can LL's plans happen in Friday instead of Thursday? Just asking either way.  
>  
> Ryan Jackson  
> Chief of Staff  
> U.S. EPA

Ex. 6 - Personal Privacy



**To:** Jackson, Ryan[jackson.ryan@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Mon 5/1/2017 12:28:16 PM  
**Subject:** Nancy Beck

May I have her contact info? Not sure her precise start date, but I want to update her on some things we are moving out of OSCPP as an fyi.

**To:** Jackson, Ryan[jackson.ryan@epa.gov]  
**Cc:** Brown, Byron[brown.byron@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]; Greenwalt, Sarah[greenwalt.sarah@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Thur 5/11/2017 12:40:27 AM  
**Subject:** Re: RE:

## Ex. 5 - Deliberative Process

Sent from my iPhone

> On May 10, 2017, at 7:37 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

>

> Ok. But we are proposing extending right?

>

> -----Original Message-----

> From: Dravis, Samantha

> Sent: Wednesday, May 10, 2017 4:13 PM

> To: Jackson, Ryan <jackson.ryan@epa.gov>; Brown, Byron <brown.byron@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>

> Cc: Greenwalt, Sarah <greenwalt.sarah@epa.gov>

> Subject: RE:

>

> An Administrative stay only last for 90 days. These companies have to make tens of millions of dollars of investments NOW for this thing. Extending this in a few months will not help them.

>

>

>

> -----Original Message-----

> From: Jackson, Ryan

> Sent: Wednesday, May 10, 2017 3:46 PM

> To: Brown, Byron <brown.byron@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>

> Subject:

>

> Since we have an administrative stay of the ELG rule, why are we extending compliance dates?

>

> Ryan Jackson

> Chief of Staff

> U.S. EPA

> Ex. 6 - Personal Privacy

**To:** Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]; Greenwalt, Sarah[greenwalt.sarah@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]; Schwab, Justin[schwab.justin@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Fri 4/28/2017 6:58:11 PM  
**Subject:** FW: draft RIA  
CPP cost savings memo draft 042417.docx

This is for the 4pm meeting today, the draft CPP RIA

**From:** McGartland, Al  
**Sent:** Thursday, April 27, 2017 5:58 PM  
**To:** Dravis, Samantha <dravis.samantha@epa.gov>  
**Subject:** RE: draft RIA

Sorry this is later than I said. It is always hard to drag the document from people. This is very rough, but has the estimates in it. I have not gone over it yet.

**From:** Dravis, Samantha  
**Sent:** Thursday, April 27, 2017 3:54 PM  
**To:** McGartland, Al <McGartland.Al@epa.gov>  
**Subject:** RE: draft RIA

Can we see it?

**From:** McGartland, Al  
**Sent:** Thursday, April 27, 2017 3:54 PM  
**To:** Dravis, Samantha <dravis.samantha@epa.gov>  
**Subject:** draft RIA

A draft exist. Its pretty short but does quantify cost savings. Needs editing. If agreeable we can send tomorrow. OAR people wanted some time with it.



**To:** Jackson, Ryan[jackson.ryan@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Fri 4/28/2017 6:44:38 PM  
**Subject:** Al is on his way in

So we will see you at 4pm.

**To:** Bowman, Liz[Bowman.Liz@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]  
**Cc:** Graham, Amy[graham.amy@epa.gov]; Wilcox, Jahan[wilcox.jahan@epa.gov]; Ferguson, Lincoln[ferguson.lincoln@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Wed 5/10/2017 4:30:33 PM  
**Subject:** RE: AP: Trump delaying decision on Paris Climate Deal, 5/9/17

## Ex. 5 - Deliberative Process

**From:** Bowman, Liz  
**Sent:** Wednesday, May 10, 2017 12:28 PM  
**To:** Dravis, Samantha <dravis.samantha@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>  
**Cc:** Graham, Amy <graham.amy@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>  
**Subject:** FW: AP: Trump delaying decision on Paris Climate Deal, 5/9/17

## Ex. 5 - Deliberative Process

**From:** Wilcox, Jahan  
**Sent:** Tuesday, May 9, 2017 4:47 PM  
**To:** Graham, Amy <[graham.amy@epa.gov](mailto:graham.amy@epa.gov)>  
**Cc:** Bowman, Liz <[Bowman.Liz@epa.gov](mailto:Bowman.Liz@epa.gov)>  
**Subject:** Re: AP: Trump delaying decision on Paris Climate Deal, 5/9/17

## Ex. 5 - Deliberative Process

Sent from my iPhone

On May 9, 2017, at 4:45 PM, Graham, Amy <[graham.amy@epa.gov](mailto:graham.amy@epa.gov)> wrote:

This is what we need to do ...

High-profile supporters of the deal on Monday urged the U.S. to stay in the Paris accord. In a conference call organized by the liberal Center for American Progress, Brian Deese, a climate adviser to former President Barack Obama, said that "the race is on for which countries are going to be the 21st century clean energy super-powers."

**From:** So, Katherine

**Sent:** Tuesday, May 9, 2017 4:31 PM

**To:** AO OPA OMR CLIPS <AO\_OPA\_OMR\_CLIPS@epa.gov>

**Subject:** AP: Trump delaying decision on Paris Climate Deal, 5/9/17

**AP**

[http://hosted.ap.org/dynamic/stories/U/US\\_UNITED\\_STATES\\_CLIMATE\\_CHANGE?SITE=AP&SECTION](http://hosted.ap.org/dynamic/stories/U/US_UNITED_STATES_CLIMATE_CHANGE?SITE=AP&SECTION)

**Trump delaying decision on Paris Climate Deal**

By Catherine Lucey and Michael Biesecker 5/9/17, 2:50PM

WASHINGTON (AP) -- President Donald Trump is delaying a decision on whether to withdraw from the landmark international climate deal struck in Paris under the Obama administration.

White House spokesman Sean Spicer said Tuesday that the president will not make an announcement on the agreement until after the G7 summit in Italy in the end of May. The White House had previously said a decision would be reached before Trump's appearance at the summit.

A meeting of top White House aides to discuss the agreement had been scheduled for Tuesday. But it was postponed. It was the second time a meeting of top aides on the issue had been delayed.

Spicer said Trump wants to "continue to meet with his team," seeking advice from both an

economic and an environmental perspective as he works to make a decision.

Donald Trump pledged during the presidential campaign to renegotiate the accord, but he has wavered on the issue since winning the presidency. His top officials have appeared divided about what to do about the deal, under which the United States pledged to significantly reduce planet-warming carbon emissions in the coming decade.

Secretary of State Rex Tillerson, the former chief executive of the oil company Exxon, said at his Senate confirmation hearing in January that he supports staying in the deal. But Environmental Protection Agency Administrator Scott Pruitt has said the Paris pact "is a bad deal for America" that will cost jobs.

Ivanka Trump, who serves as an adviser to her father, was supposed to meet separately Tuesday with Pruitt and Sen. Lisa Murkowski, R-Alaska. That meeting was also canceled, according to a White House official who requested anonymity to discuss private talks.

The Paris accord, signed by nearly 200 nations in 2015, was never ratified by the Senate due to the staunch oppositions of Republicans. It therefore does not have the force of a binding treaty, and the United States could potentially withdraw from the deal without legal penalty.

A senior administration official said the president's inclination has been to leave the pact, but Ivanka Trump set up a review process to make sure he received information from experts in the public and private sector before making a decision. The official requested anonymity to discuss private conversations.

As speculation continues about how Trump will handle the agreement, Tillerson is set to travel to Alaska for an Arctic Summit council this week amid concerns from other nations that the Trump administration will undermine global efforts to address climate change in the Arctic, where rising temperatures are having a disproportionate effect.

David Balton, a top U.S. diplomat who works on environmental issues, said there would be "no change" in U.S. participation even if Trump ultimately decides to pull out of the Paris pact.



"The U.S. will remain engaged in the work that the Arctic Council does on climate change throughout," Balton said Monday.

In his prior post as the elected attorney general of Oklahoma, Pruitt closely aligned himself with the needs of the state's oil and gas industry. He repeatedly sued the EPA over restrictions on extracting and burning fossil fuels. Among the regulations he opposed in court was the EPA's Clean Power Plan, which sought to place new restrictions on carbon emissions from coal-fired power plants with the goal of helping the United States meet its commitments under the Paris accord.

Like Trump, Pruitt has questioned the consensus of climate scientists that man-made carbon emissions are the primary driver of global warming.

Over the weekend, the EPA administrator released a letter stating that under federal ethics standards he is obligated to recuse himself from legal cases he was involved with in his old job. However, in his letter Pruitt said his recusal does not extend to matters of "general applicability," such as making policy decisions involving current or future environmental regulations. The EPA contends, therefore, there is no ethical issue with Pruitt making decisions to roll back carbon limits he previously opposed in court, because those decisions affect the nation as a whole rather than just Oklahoma.

"Federal ethics rules distinguish between specific party matters such as an individual permit or lawsuit and matters that apply generally such as a nationally applicable regulation," said Kevi Minoli, the EPA lawyer who advises Pruitt on ethics issues.

High-profile supporters of the deal on Monday urged the U.S. to stay in the Paris accord. In a conference call organized by the liberal Center for American Progress, Brian Deese, a climate adviser to former President Barack Obama, said that "the race is on for which countries are going to be the 21st century clean energy super-powers."

Deese said the U.S. must decide whether to "continue to play in that race or step off the field."

Mindy Lubber, president of the nonprofit Ceres, which works with companies on sustainability issues, said that investors around the world are "eager to open their wallets to a low-carbon future."

"We must stay in Paris, we must pass on a healthy economy and a healthy environment to our children," Lubber said.

Katherine So

Office of Media Relations Intern

U.S. Environmental Protection Agency

Telephone: (202)-564-4511

[so.katherine@epa.gov](mailto:so.katherine@epa.gov)

**To:** Jackson, Ryan[jackson.ryan@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Fri 4/28/2017 6:31:49 PM  
**Subject:** RE: RE:

## Ex. 6 - Personal Privacy

**From:** Jackson, Ryan  
**Sent:** Friday, April 28, 2017 2:16 PM  
**To:** Dravis, Samantha <dravis.samantha@epa.gov>  
**Subject:** Re: RE:

He can come too.

Ryan Jackson

Chief of Staff

U.S. EPA

### Ex. 6 - Personal Privacy

On Apr 28, 2017, at 2:10 PM, Dravis, Samantha <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)> wrote:

I am happy to do that but the ideal person to be here for that is really Al to walk through how he approached the cost/benefit analysis. I have it in my mind, but he will explain it 10x better.

**From:** Jackson, Ryan  
**Sent:** Friday, April 28, 2017 2:06 PM  
**To:** Dravis, Samantha <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)>; Bolen, Brittany <[bolen.brittany@epa.gov](mailto:bolen.brittany@epa.gov)>; Schwab, Justin <[schwab.justin@epa.gov](mailto:schwab.justin@epa.gov)>; Gunasekara, Mandy <[Gunasekara.Mandy@epa.gov](mailto:Gunasekara.Mandy@epa.gov)>; Greenwalt, Sarah <[greenwalt.sarah@epa.gov](mailto:greenwalt.sarah@epa.gov)>  
**Subject:**

Can we all meet with Pruitt after the last governor's call of the day about 4pm to ensure he's good with the approaches on CPP and WOTUS so OP can make the finishing touches and we can get the process started with OMB?

Ryan Jackson

Chief of Staff

U.S. Environmental Protection Agency

**Ex. 6 - Personal Privacy**

**To:** Bowman, Liz[Bowman.Liz@epa.gov]; Hupp, Millan[hupp.millan@epa.gov]; Hupp, Sydney[hupp.sydney@epa.gov]  
**Cc:** Ferguson, Lincoln[ferguson.lincoln@epa.gov]; Wilcox, Jahan[wilcox.jahan@epa.gov]; Freire, JP[Freire.JP@epa.gov]; Konkus, John[konkus.john@epa.gov]; Graham, Amy[graham.amy@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]; Kime, Robin[Kime.Robin@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Wed 5/10/2017 2:56:27 PM  
**Subject:** RE: Calendar Hold: Off Record Meet & Greet w NYT

I can sit in.

**From:** Bowman, Liz  
**Sent:** Wednesday, May 10, 2017 10:02 AM  
**To:** Hupp, Millan <hupp.millan@epa.gov>; Hupp, Sydney <hupp.sydney@epa.gov>  
**Cc:** Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Freire, JP <Freire.JP@epa.gov>; Konkus, John <konkus.john@epa.gov>; Graham, Amy <graham.amy@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>  
**Subject:** Calendar Hold: Off Record Meet & Greet w NYT

Per the meeting this morning with the Administrator, can y'all please hold Thursday, May 18<sup>th</sup> from 3:30 p.m. – 4:00 p.m. for an off the record meet and greet with Coral Davenport from the New York Times? If Samantha or Ryan are also able to participate, I think it would be good for them to sit in.

We will be talking with her prior to this meeting and she is assuring us it is off the record. We will provide a briefing paper closer to the meeting.

Liz Bowman

U.S. Environmental Protection Agency (EPA)

Deputy Associate Administrator for Public Affairs

Office: 202-564-3293

**To:** Jackson, Ryan[jackson.ryan@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Fri 4/28/2017 6:26:09 PM  
**Subject:** RE: RE: RE:

What are we doing on the CA letter? Did you talk to Catanzaro?

**From:** Jackson, Ryan  
**Sent:** Friday, April 28, 2017 2:19 PM  
**To:** Dravis, Samantha <dravis.samantha@epa.gov>  
**Subject:** Re: RE: RE:

Michelle called you by mistake.

Ryan Jackson

Chief of Staff

U.S. EPA

Ex. 6 - Personal Privacy

On Apr 28, 2017, at 2:18 PM, Dravis, Samantha <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)> wrote:

I just saw you called. I am off the phone, just tried you back.

**From:** Jackson, Ryan  
**Sent:** Friday, April 28, 2017 2:16 PM  
**To:** Dravis, Samantha <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)>  
**Subject:** Re: RE:

He can come too.

Ryan Jackson

Chief of Staff

U.S. EPA

Ex. 6 - Personal Privacy

On Apr 28, 2017, at 2:10 PM, Dravis, Samantha <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)> wrote:

I am happy to do that but the ideal person to be here for that is really Al to walk through how he approached the cost/benefit analysis. I have it in my mind, but he will explain it 10x better.

**From:** Jackson, Ryan

**Sent:** Friday, April 28, 2017 2:06 PM

**To:** Dravis, Samantha <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)>; Bolen, Brittany <[bolen.brittany@epa.gov](mailto:bolen.brittany@epa.gov)>; Schwab, Justin <[schwab.justin@epa.gov](mailto:schwab.justin@epa.gov)>; Gunasekara, Mandy <[Gunasekara.Mandy@epa.gov](mailto:Gunasekara.Mandy@epa.gov)>; Greenwalt, Sarah <[greenwalt.sarah@epa.gov](mailto:greenwalt.sarah@epa.gov)>

**Subject:**

Can we all meet with Pruitt after the last governor's call of the day about 4pm to ensure he's good with the approaches on CPP and WOTUS so OP can make the finishing touches and we can get the process started with OMB?

Ryan Jackson

Chief of Staff

U.S. Environmental Protection Agency

Ex. 6 - Personal Privacy

**To:** Campau, Anthony P. EOP/OMB[**Ex. 6 - Personal Privacy**]  
**Cc:** Bolen, Brittany[bolen.brittany@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]; Catanzaro, Michael J. EOP/WHO[**Ex. 6 - Personal Privacy**]; Schwab, Justin[schwab.justin@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Wed 5/10/2017 1:21:52 PM  
**Subject:** RE: Connection

Anthony:

I have to staff the Administrator this morning now and Brittany is speaking at a panel. If this is about the nano rule extension, it's a short term extension. It is not significant.

## Ex. 5 - Deliberative Process

Samantha

-----Original Message-----

**From:** Campau, Anthony P. EOP/OMB [mailto:**Ex. 6 - Personal Privacy**]  
**Sent:** Wednesday, May 10, 2017 2:55 AM  
**To:** Dravis, Samantha <dravis.samantha@epa.gov>  
**Cc:** Bolen, Brittany <bolen.brittany@epa.gov>  
**Subject:** RE: Connection

Great, thanks. Let's connect at 9:00 a.m. then.

Thanks again.

-----Original Message-----

**From:** Dravis, Samantha [mailto:dravis.samantha@epa.gov]  
**Sent:** Tuesday, May 9, 2017 10:03 PM  
**To:** Campau, Anthony P. EOP/OMB **Ex. 6 - Personal Privacy**  
**Cc:** Bolen, Brittany <bolen.brittany@epa.gov>  
**Subject:** Re: Connection

I'm free tomorrow from 9-9:30am.

> On May 9, 2017, at 9:35 PM, Campau, Anthony P. EOP/OMB <**Ex. 6 - Personal Privacy**>  
wrote:

>

> Hey, team. Could you please give me a call at **Ex. 6 - Personal Privacy** when you get a minute?



>  
> Thanks,  
> Anthony  
>  
> Sent from my iPhone

**Cc:** Bolen, Brittany[bolen.brittany@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]  
**To:** starfield.larry@epa.gov[starfield.larry@epa.gov]; Hope, Brian[Hope.Brian@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Sun 5/21/2017 5:06:23 PM  
**Subject:** Enbridge Energy LP Application for Presidential Permit

Larry and Brian:

I just had a chance to look at this memo about Enbridge's application for a Presidential Permit on the US-Canada border. It looks like the memo from State to EPA is dated March 28, 2017. The letter is addressed to Brian Hope - My staff told me that OEX routed this to OECA, and that you all had this letter and request by State for an EPA response, and just last week referred it to Office of Policy to respond. Why would this have sat with no response for almost two months?? The memo requests responses ASAP, so this is not good that we have had this for so long without responding.

Thanks in advance for any knowledge you have on this matter.

Samantha

**To:** Jackson, Ryan[jackson.ryan@epa.gov]  
**Cc:** Bolen, Brittany[bolen.brittany@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Wed 5/10/2017 1:59:51 AM  
**Subject:** Re: Head's up Nano - delay of effective date

Should not\*\*!

Sent from my iPhone

On May 9, 2017, at 9:59 PM, Dravis, Samantha <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)> wrote:

## Ex. 5 - Deliberative Process

Sent from my iPhone

Begin forwarded message:

**From:** "Rees, Sarah" <[rees.sarah@epa.gov](mailto:rees.sarah@epa.gov)>  
**Date:** May 9, 2017 at 9:22:04 PM EDT  
**To:** "Dravis, Samantha" <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)>, "Bolen, Brittany" <[bolen.brittany@epa.gov](mailto:bolen.brittany@epa.gov)>  
**Subject:** Fwd: Head's up Nano - delay of effective date

## Ex. 5 - Deliberative Process

Begin forwarded message:

**From:** "Owens, Nicole" <[Owens.Nicole@epa.gov](mailto:Owens.Nicole@epa.gov)>

**Date:** May 9, 2017 at 7:14:01 PM EDT

**To:** "Laity, Jim A. EOP/OMB" { **Ex. 6 - Personal Privacy**

**Cc:** "Rees, Sarah" <[rees.sarah@epa.gov](mailto:rees.sarah@epa.gov)>

**Subject:** Re: Head's up Nano - delay of effective date

Hi. This is the first extension. The original effective date is Friday.

<https://www.regulations.gov/document?D=EPA-HQ-OPPT-2010-0572-0137>

Nicole

Sent from my iPhone

On May 9, 2017, at 6:09 PM, Laity, Jim A. EOP/OMB

**Ex. 6 - Personal Privacy** > wrote:

## **Ex. 5 - Deliberative Process**

PS: Is this the first extension of this rule, or have you already done one or more?

**From:** Owens, Nicole [<mailto:Owens.Nicole@epa.gov>]

**Sent:** Tuesday, May 9, 2017 5:17 PM

**To:** Laity, Jim A. EOP/OMB { **Ex. 6 - Personal Privacy**

**Cc:** Rees, Sarah <[rees.sarah@epa.gov](mailto:rees.sarah@epa.gov)>

**Subject:** Head's up Nano - delay of effective date

Hi Jim –

I wanted to give you a head's up that EPA is going to be publishing a short-term delay of the effective date of Chemical Substances When Manufactured or Processed as Nanoscale Materials; TSCA Reporting and Recordkeeping Requirements. This document should publish Friday and we've delayed the dates from May 12 (Friday) until August 14.

Nicole

**To:** Jackson, Ryan[jackson.ryan@epa.gov]; Hupp, Sydney[hupp.sydney@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Fri 5/19/2017 4:37:50 PM

I am headed to Ex. 6 - Personal Privacy and cannot make the scheduling meeting today – I am sorry.

**Cc:** Bolen, Brittany[bolen.brittany@epa.gov]  
**To:** Jackson, Ryan[jackson.ryan@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Wed 5/10/2017 1:59:33 AM  
**Subject:** Fwd: Head's up Nano - delay of effective date

## Ex. 5 - Deliberative Process

Sent from my iPhone

Begin forwarded message:

**From:** "Rees, Sarah" <rees.sarah@epa.gov>  
**Date:** May 9, 2017 at 9:22:04 PM EDT  
**To:** "Dravis, Samantha" <dravis.samantha@epa.gov>, "Bolen, Brittany" <bolen.brittany@epa.gov>  
**Subject:** Fwd: Head's up Nano - delay of effective date

## Ex. 5 - Deliberative Process

Begin forwarded message:

**From:** "Owens, Nicole" <Owens.Nicole@epa.gov>  
**Date:** May 9, 2017 at 7:14:01 PM EDT  
**To:** "Laity, Jim A. EOP/OMB" **Ex. 6 - Personal Privacy**  
**Cc:** "Rees, Sarah" <rees.sarah@epa.gov>  
**Subject:** Re: Head's up Nano - delay of effective date

Hi. This is the first extension. The original effective date is Friday.

<https://www.regulations.gov/document?D=EPA-HQ-OPPT-2010-0572-0137>

Nicole

Sent from my iPhone

On May 9, 2017, at 6:09 PM, Laity, Jim A. EOP/OMB

**Ex. 6 - Personal Privacy** wrote:

## **Ex. 5 - Deliberative Process**

PS: Is this the first extension of this rule, or have you already done one or more?

**From:** Owens, Nicole [<mailto:Owens.Nicole@epa.gov>]

**Sent:** Tuesday, May 9, 2017 5:17 PM

**To:** Laity, Jim A. EOP/OMB <**Ex. 6 - Personal Privacy**>

**Cc:** Rees, Sarah <[rees.sarah@epa.gov](mailto:rees.sarah@epa.gov)>

**Subject:** Head's up Nano - delay of effective date

Hi Jim –

I wanted to give you a head's up that EPA is going to be publishing a short-term delay of the effective date of Chemical Substances When Manufactured or Processed as Nanoscale Materials; TSCA Reporting and Recordkeeping Requirements. This document should publish Friday and we've delayed the dates from May 12 (Friday) until August 14.

Nicole



**To:** Bolen, Brittany[bolen.brittany@epa.gov]; Munoz, Charles[munoz.charles@epa.gov]  
**Cc:** Brown, Byron[brown.byron@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Fri 4/28/2017 5:00:30 PM  
**Subject:** RE: 30 Day Presidential Action

I'm sorry Charles but I think we need to ask for a bit of clarification. Ask them if they are wanting to know the major regulatory actions being submitted to OMB? If so, CPP and WOTUS are the obvious ones.. RFS and CAFÉ are two big issues we are working on with the White House right now as well that will ultimately be decided by the President's team?

-----Original Message-----

From: Bolen, Brittany  
Sent: Friday, April 28, 2017 11:05 AM  
To: Munoz, Charles <munoz.charles@epa.gov>  
Cc: Dravis, Samantha <dravis.samantha@epa.gov>; Brown, Byron <brown.byron@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>  
Subject: RE: 30 Day Presidential Action

Okay. My understanding is that none of our regulatory actions require presidential signature. I suppose they are suggesting informal approval by the president? Samantha, Byron, please advise.

-----Original Message-----

From: Munoz, Charles  
Sent: Friday, April 28, 2017 9:44 AM  
To: Bolen, Brittany <bolen.brittany@epa.gov>  
Cc: Dravis, Samantha <dravis.samantha@epa.gov>; Brown, Byron <brown.byron@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>  
Subject: Re: 30 Day Presidential Action

I was told anything that needs to be on the president's desk within the next 30 days should be listed. OMB was never mentioned.

Charles Munoz  
White House Liaison

> On Apr 28, 2017, at 9:42 AM, Bolen, Brittany <bolen.brittany@epa.gov> wrote:

>

> Folks - does this include actions that go to OMB?

>

> -----Original Message-----

> From: Munoz, Charles

> Sent: Thursday, April 27, 2017 2:58 PM

> To: Dravis, Samantha <dravis.samantha@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>

> Cc: Brown, Byron <brown.byron@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>

> Subject: 30 Day Presidential Action

>

> Samantha,

>

> I spoke with Cabinet Affairs today and they requested a list of anything that will need a presidential action or decision from us within the next 30 days.

>

> I just spoke with Ryan and he instructed me to reach out to you and Brittany first. I know this is short notice, but I need this by 1:00 pm tomorrow.

>

>

>  
> Charles Munoz  
> White House Liaison

**To:** Ferguson, Lincoln[ferguson.lincoln@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]; Brown, Byron[brown.byron@epa.gov]; Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]; Greenwalt, Sarah[greenwalt.sarah@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Thur 5/18/2017 5:51:17 PM  
**Subject:** RE: Manhattan Institute/Aaron Renn Sewer Remediation

Thanks Lincoln.

**From:** Ferguson, Lincoln  
**Sent:** Thursday, May 18, 2017 12:15 PM  
**To:** Jackson, Ryan <jackson.ryan@epa.gov>; Brown, Byron <brown.byron@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Greenwalt, Sarah <greenwalt.sarah@epa.gov>  
**Subject:** FW: Manhattan Institute/Aaron Renn Sewer Remediation

Attached is a report dealing with sewer system clean-up. Mr. Ball sent it in response to SP's meeting yesterday. Please forward if it needs to go to someone else.

**From:** Dean Ball [<mailto:dball@manhattan-institute.org>]  
**Sent:** Thursday, May 18, 2017 12:06 PM  
**To:** Ferguson, Lincoln <[ferguson.lincoln@epa.gov](mailto:ferguson.lincoln@epa.gov)>  
**Cc:** Howard Husock <[hhusock@manhattan-institute.org](mailto:hhusock@manhattan-institute.org)>  
**Subject:** Manhattan Institute/Aaron Renn Sewer Remediation

Dear Mr. Ferguson,

I hope this message finds you well. My colleague Howard Husock informed me this morning that Administrator Pruitt expressed interest in Aaron Renn's report on how the EPA can help municipalities to fix their sewer systems.

The report is attached for your convenience. Should you or anyone on Administrator Pruitt's team wish to discuss the report in more depth with the author, please do not hesitate to get in touch.

Warmly,

Dean

**Dean W. Ball**

Deputy Director, State & Local Policy

Manhattan Institute for Policy Research

52 Vanderbilt Avenue, Third Floor

New York, NY 10017

646.839.3339

**To:** Davis, Patrick[davis.patrick@epa.gov]  
**Cc:** Greenwalt, Sarah[greenwalt.sarah@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]; Brown, Byron[brown.byron@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Tue 5/9/2017 10:25:30 PM  
**Subject:** Re: Contura energy 308 letter

I think we are, yes. Do we have a copy of the letter?

Sent from my iPhone

> On May 9, 2017, at 4:17 PM, Davis, Patrick <davis.patrick@epa.gov> wrote:  
>  
> I received a call today from CEO of Contura Energy concerned about a 308 letter coming from region 3.  
Are we supposed to see these letters before they are issued?  
>  
> This is a coal company.  
>  
> Patrick Davis  
> Sent from my iPhone

**To:** Munoz, Charles[munoz.charles@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]  
**Cc:** Jackson, Ryan[jackson.ryan@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Fri 4/28/2017 4:58:02 PM  
**Subject:** RE: 30 Day Presidential Action

I don't know of any regulatory actions that require presidential signature. I'm sorry but I think I am still confused about what this is asking.

-----Original Message-----

From: Munoz, Charles  
Sent: Friday, April 28, 2017 11:07 AM  
To: Bolen, Brittany <bolen.brittany@epa.gov>  
Cc: Dravis, Samantha <dravis.samantha@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>  
Subject: Re: 30 Day Presidential Action

Are there any policy or rules that need a decision by the president?

Charles Munoz  
White House Liaison

> On Apr 28, 2017, at 11:05 AM, Bolen, Brittany <bolen.brittany@epa.gov> wrote:

>

> Okay. My understanding is that none of our regulatory actions require presidential signature. I suppose they are suggesting informal approval by the president? Samantha, Byron, please advise.

>

> -----Original Message-----

> From: Munoz, Charles  
> Sent: Friday, April 28, 2017 9:44 AM  
> To: Bolen, Brittany <bolen.brittany@epa.gov>  
> Cc: Dravis, Samantha <dravis.samantha@epa.gov>; Brown, Byron <brown.byron@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>  
> Subject: Re: 30 Day Presidential Action

>

> I was told anything that needs to be on the president's desk within the next 30 days should be listed. OMB was never mentioned.

>

> Charles Munoz  
> White House Liaison

>

>> On Apr 28, 2017, at 9:42 AM, Bolen, Brittany <bolen.brittany@epa.gov> wrote:

>>

>> Folks - does this include actions that go to OMB?

>>

>> -----Original Message-----

>> From: Munoz, Charles  
>> Sent: Thursday, April 27, 2017 2:58 PM  
>> To: Dravis, Samantha <dravis.samantha@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>  
>> Cc: Brown, Byron <brown.byron@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>  
>> Subject: 30 Day Presidential Action

>>

>> Samantha,

>>

>> I spoke with Cabinet Affairs today and they requested a list of anything that will need a presidential action or decision from us within the next 30 days.

>>

>> I just spoke with Ryan and he instructed me to reach out to you and Brittany first. I know this is short notice, but I need this by 1:00 pm tomorrow.

>>

>>

>>

>> Charles Munoz

>> White House Liaison

**To:** Jackson, Ryan[jackson.ryan@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Thur 5/18/2017 3:49:09 PM  
**Subject:** RE:

## **Ex. 5 - Deliberative Process**

-----Original Message-----

From: Jackson, Ryan  
Sent: Thursday, May 18, 2017 11:49 AM  
To: Dravis, Samantha <dravis.samantha@epa.gov>  
Subject:

Wowey. Complete waste of time.

Ryan Jackson  
Chief of Staff  
U.S. EPA

**Ex. 6 - Personal Privacy**



**To:** Bolen, Brittany[bolen.brittany@epa.gov]  
**Cc:** Jackson, Ryan[jackson.ryan@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Tue 5/9/2017 10:17:29 PM  
**Subject:** Re: White House memo gives more detail on Trump's energy order

Where are we on finalizing this, Brittany? Are we waiting on Ryan's approval? I was OK with the draft with your edits incorporated, although I thought there was probably more we could include as well.

Sent from my iPhone

On May 9, 2017, at 8:34 AM, Bolen, Brittany <[bolen.brittany@epa.gov](mailto:bolen.brittany@epa.gov)> wrote:

Yes they sent it over yesterday. And they have us a draft to review/edit about 3 weeks ago.

Sent from my iPhone

On May 9, 2017, at 8:33 AM, Jackson, Ryan <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)> wrote:

You guys see this?

**From:** POLITICO Pro Energy Whiteboard [<mailto:politicoemail@politicopro.com>]  
**Sent:** Tuesday, May 9, 2017 8:27 AM  
**To:** Jackson, Ryan <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)>  
**Subject:** White House memo gives more detail on Trump's energy order

By Alex Guillén

05/09/2017 08:18 AM EDT

A new [memo](#) from the White House's Office of Information and Regulatory Affairs includes new guidance for agencies to carry out President Donald Trump's [energy executive order](#).

Trump's order gave agencies until this Friday, May 12, to submit to the White House a plan to carry out their regulatory reviews. It includes independent agencies with energy oversight, including FERC, and specifies that agencies should identify rules or actions that directly impact energy production, as well as those actions that "limit the use of certain sources of energy, such that the development of domestically produced energy resources from a certain sector may be negatively affected."

The new memo, dated Monday, identifies five specific aspects such plans should contain, starting with identifying actions that "potentially burden the development or use of domestically produced energy resources" and ending with recommendations to "alleviate or eliminate the potential burden."

The memo also provides seven guidelines for a draft report due by July 26, per Trump's order. That report should include further information on how long regulatory reforms might take and what those actions' costs and savings are.

The final reports, due Sept. 24, are to be published in the Federal Register.

*To view online:*

<https://www.politicopro.com/energy/whiteboard/2017/05/white-house-memo-gives-more-detail-on-trumps-energy-order-087431>

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Yes, very	Somewhat	Neutral	Not really	Not at all

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1000 Wilson Blvd. Arlington, VA, 22209, USA

**To:** Marnie.Funk@shell.com[Marnie.Funk@shell.com]; Jackson, Ryan[jackson.ryan@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Fri 4/28/2017 2:53:41 PM  
**Subject:** RE: Request for a Shell senior leaders meeting with Administrator Pruitt on May 15

Thank you, Marnie for the kind email.

I will submit this to our scheduling office and see if Administrator Pruitt is available.

**From:** Marnie.Funk@shell.com [mailto:Marnie.Funk@shell.com]  
**Sent:** Friday, April 28, 2017 10:50 AM  
**To:** Jackson, Ryan <jackson.ryan@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>  
**Subject:** Request for a Shell senior leaders meeting with Administrator Pruitt on May 15

Ryan and Samantha,

I hope you are well and settling into your new roles. Congratulations on your new leadership opportunities! I am personally thrilled with your appointments. I look forward to working closely with you and supporting your efforts.

I am writing to request a meeting with Administrator Pruitt for Bruce Culpepper, Shell US Country Chair, and Greg Guidry, Shell Executive Vice President of Unconventionals, on the morning of Monday, May 15<sup>th</sup>. Mr. Culpepper and Mr. Guidry would like to update Administrator Pruitt on Shell's operations in the US and discuss policy issues within EPA's jurisdiction that impact Shell's various lines of business.

If the morning of May 15<sup>th</sup> is problematic, both Shell leaders have some availability on May 16<sup>th</sup>.

I look forward to hearing from you.

Regards,

Marnie Funk

**Marnie Funk** | Senior Advisor, Government Relations | SHELL | 1050 K Street, NW Suite 700 | Washington, DC 20001 | **Tel:** 202-466-1422 | **Mobile:** [Ex. 6 - Personal Privacy]

**To:** Jackson, Ryan[jackson.ryan@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Thur 5/18/2017 3:48:54 PM  
**Subject:** RE:

Ugh, I'm sorry - is he ready to go?

-----Original Message-----

From: Jackson, Ryan  
Sent: Thursday, May 18, 2017 11:49 AM  
To: Dravis, Samantha <dravis.samantha@epa.gov>  
Subject:

Wowey. Complete waste of time.

Ryan Jackson  
Chief of Staff  
U.S. EPA

Ex. 6 - Personal Privacy

**To:** Jackson, Ryan[jackson.ryan@epa.gov]  
**Cc:** Bolen, Brittany[bolen.brittany@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Tue 5/9/2017 1:54:21 AM  
**Subject:** Re: Heads up - OMB issue on Steam Electric

Tomorrow

Sent from my iPhone

On May 8, 2017, at 8:12 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

When will we even submit the RVO's to OMB?

**From:** Dravis, Samantha  
**Sent:** Monday, May 8, 2017 1:13 PM  
**To:** Jackson, Ryan <jackson.ryan@epa.gov>  
**Cc:** Bolen, Brittany <bolen.brittany@epa.gov>  
**Subject:** RE: Heads up - OMB issue on Steam Electric

**Ex. 5 - Deliberative Process**

**Ex. 5 - Deliberative Process**

**Ex. 5 - Deliberative Process**

**Ex. 5 - Deliberative Process**

Brittany: What have I missed?

**From:** Jackson, Ryan

**Sent:** Monday, May 08, 2017 1:04 PM  
**To:** Dravis, Samantha <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)>  
**Subject:** Re: Heads up - OMB issue on Steam Electric

Let's just make a list and I'll take it over.

## Ex. 5 - Deliberative Process

Ryan Jackson

Chief of Staff

U.S. EPA

### Ex. 6 - Personal Privacy

On May 8, 2017, at 12:59 PM, Dravis, Samantha <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)> wrote:

## Ex. 5 - Deliberative Process

**From:** Rees, Sarah  
**Sent:** Monday, May 08, 2017 12:52 PM  
**To:** Dravis, Samantha <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)>; Bolen, Brittany <[bolen.brittany@epa.gov](mailto:bolen.brittany@epa.gov)>  
**Cc:** Kime, Robin <[Kime.Robin@epa.gov](mailto:Kime.Robin@epa.gov)>  
**Subject:** Heads up - OMB issue on Steam Electric  
**Importance:** High

Hi Samantha – the steam electric FR notice to postpone compliance dates until EPA completes a revised rule is still here at OP (despite my approval to send it to you for approval this am)

### Ex. 5 - Deliberative Process

## Ex. 5 - Deliberative Process

## Ex. 5 - Deliberative Process

## **Ex. 5 - Deliberative Process**

## **Ex. 5 - Deliberative Process**

## **Ex. 5 - Deliberative Process**

**Sarah L. Rees, Ph.D.**

Director, Office of Regulatory Policy & Management

US EPA – Office of Policy

(202) 564-1986 (o) Ex. 6 - Personal Privacy (m)



**To:** Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]; Schwab, Justin[schwab.justin@epa.gov];  
Bolen, Brittany[bolen.brittany@epa.gov]  
**Cc:** Jackson, Ryan[jackson.ryan@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Fri 4/28/2017 2:27:02 PM

Even though we are not meeting with Pruitt I think it makes sense to rendezvous on CPP and understand the outstanding issues with the preamble and then approve the draft RIA today so we can stay on track to be done on Monday.

What time works for people?

**To:** Hupp, Sydney[hupp.sydney@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Thur 5/18/2017 3:47:08 PM  
**Subject:** RE: Meeting Request

I will reach back out Syd don't worry about it.

**From:** Hupp, Sydney  
**Sent:** Thursday, May 18, 2017 10:35 AM  
**To:** Jackson, Ryan <jackson.ryan@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>  
**Subject:** RE: Meeting Request

Want me to delegate to someone specific?

---

**Sydney Hupp**

Executive Scheduler

Office of the Administrator

Ex. 6 - Personal Privacy (C)

**From:** Jackson, Ryan  
**Sent:** Thursday, May 18, 2017 10:23 AM  
**To:** Dravis, Samantha <dravis.samantha@epa.gov>  
**Cc:** Hupp, Sydney <hupp.sydney@epa.gov>  
**Subject:** Re: Meeting Request

Staff only.

Ryan Jackson

Chief of Staff

U.S. EPA

Ex. 6 - Personal Privacy

On May 18, 2017, at 10:20 AM, Dravis, Samantha <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)> wrote:

## Ex. 5 - Deliberative Process

**From:** Tampo, Christopher [<mailto:tampioc@ada.org>]  
**Sent:** Thursday, May 18, 2017 9:43 AM  
**To:** Dravis, Samantha <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)>  
**Subject:** RE: Meeting Request

Any word on a possible meeting with Administrator Pruitt on the 26<sup>th</sup>?

Any time that day would work but morning would be preferable with the holiday weekend.

Chris

**From:** Tampo, Christopher  
**Sent:** Tuesday, April 18, 2017 10:47 AM  
**To:** '[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)'  
**Subject:** Meeting Request

Ms. Dravis,

I would like to request a meeting with Administrator Pruitt with the President Elect of the American Dental Association, Dr. Joseph Crowley.

Dr. Crowley will be in DC Friday, May 26 morning or midafternoon. Hopefully these times can fit into the Administrators busy schedule. Attending the meeting from the ADA with Dr. Crowley will be the SVP of Government affairs Michael Graham, Jerry Bowman and myself.

Thank you for considering this meeting request.

Chris

**Christopher Tampo**  
Director, Congressional Affairs  
Government Affairs  
202-789-5178 [tampioc@ada.org](mailto:tampioc@ada.org)

---

American Dental Association 1111 14<sup>th</sup> Street, Suite 1100, Washington DC 20005  
[www.ada.org](http://www.ada.org)

**To:** Letendre, Daisy (Inhofe)[Daisy\_Letendre@inhofe.senate.gov]  
**Cc:** Bolen, Brittany[bolen.brittany@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]; Kime, Robin[Kime.Robin@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Fri 4/21/2017 9:54:38 AM  
**Subject:** Re: RE:

I'm not in today but I can join by phone today if that makes sense and follow up over the weekend Daisy!

Sent from my iPhone

> On Apr 21, 2017, at 5:10 AM, Letendre, Daisy (Inhofe) <Daisy\_Letendre@inhofe.senate.gov> wrote:

>

> 4pm is great

>

> Sent from my iPhone

>

>> On Apr 20, 2017, at 10:05 PM, Bolen, Brittany <bolen.brittany@epa.gov> wrote:

>>

>> Works for me.

>>

>> -----Original Message-----

>> From: Jackson, Ryan

>> Sent: Thursday, April 20, 2017 10:05 PM

>> To: Kime, Robin <Kime.Robin@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>

>> Cc: daisy\_letendre@inhofe.senate.gov

>> Subject:

>>

>> Would you guys want to do 4pm? I can for sure do that.

>>

>> Ryan Jackson

>> Chief of Staff

>> U.S. EPA

>> Ex. 6 - Personal Privacy

>>

**To:** Greenwalt, Sarah[greenwalt.sarah@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]; Fotouhi, David[fotouhi.david@epa.gov]; Schwab, Justin[schwab.justin@epa.gov]; Rees, Sarah[rees.sarah@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Mon 5/8/2017 9:11:42 PM  
**Subject:** OMB Issues

All:

I think it is critical that we meet tonight on OMB's determination that extending the compliance dates for this rule is a "significant" action. Can everyone make 5:30pm work in my office? We do not want to lose time on this.

**To:** Cleland-Hamnett, Wendy[Cleland-Hamnett.Wendy@epa.gov]; Rees, Sarah[rees.sarah@epamail.epa.gov]; Mclean, Kevin[Mclean.Kevin@epa.gov]  
**Cc:** Minoli, Kevin[Minoli.Kevin@epa.gov]; Fotouhi, David[fotouhi.david@epa.gov]; Schwab, Justin[schwab.justin@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]; Nickerson, William[Nickerson.William@epa.gov]; Keigwin, Richard[Keigwin.Richard@epa.gov]; Kime, Robin[Kime.Robin@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Thur 4/20/2017 9:44:36 PM  
**Subject:** RE: Pesticides: delay of effective date of WPS; review of WPS & C&T rule

Let's discuss this, I think that would be prudent Wendy. However, I do think

Ex. 5 - Deliberative Process

## Ex. 5 - Deliberative Process

Robin, can you find a time for this group to meet?

**From:** Cleland-Hamnett, Wendy  
**Sent:** Thursday, April 20, 2017 5:39 PM  
**To:** Rees, Sarah <rees.sarah@epamail.epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Mclean, Kevin <Mclean.Kevin@epa.gov>  
**Cc:** Minoli, Kevin <Minoli.Kevin@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Nickerson, William <Nickerson.William@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>  
**Subject:** RE: Pesticides: delay of effective date of WPS; review of WPS & C&T rule

Hello all,

Samantha, you were right the first time. The Worker Protection Standard (which has gone into effect) has a second petition in from NASDA, asking that we extend the compliance (as opposed to effective) date.

Ex. 5 - Deliberative Process

## Ex. 5 - Deliberative Process

We still know of no petition to EPA on the Pesticide Applicator Certification and Training rule

(C&T), for which the effective date was extended – currently to May 22<sup>nd</sup>. We received a lot of comment on the proposed rule, but worked with industry and ag to address their comments, and have gotten little negative feedback on the final rule. USDA thought the economic assessment for the final rule underestimated costs, but we also made changes in the final to address most of their concerns. We have positive correspondence from state ag agencies and other on our efforts to work with them on the C&T rule.

I did hear that a decision was made to include in the reg agenda a proposed rule to reduce burden in C&T. I would very much appreciate the opportunity to talk about the concerns and possible changes that prompted this decision so we can figure out a path forward and what we should be doing in OCSPP.

Wendy

**Wendy Cleland-Hamnett**

Acting Assistant Administrator

Principal Deputy Assistant Administrator

Office of Chemical Safety & Pollution Prevention

U.S. Environmental Protection Agency

202-564-2910

[cleland-hamnett.wendy@epa.gov](mailto:cleland-hamnett.wendy@epa.gov)

**From:** Rees, Sarah

**Sent:** Thursday, April 20, 2017 4:37 PM

**To:** Dravis, Samantha <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)>; Cleland-Hamnett, Wendy <[Cleland-Hamnett.Wendy@epa.gov](mailto:Cleland-Hamnett.Wendy@epa.gov)>; Mclean, Kevin <[Mclean.Kevin@epa.gov](mailto:Mclean.Kevin@epa.gov)>

**Cc:** Minoli, Kevin <[Minoli.Kevin@epa.gov](mailto:Minoli.Kevin@epa.gov)>; Fotouhi, David <[fotouhi.david@epa.gov](mailto:fotouhi.david@epa.gov)>; Schwab, Justin <[schwab.justin@epa.gov](mailto:schwab.justin@epa.gov)>; Bolen, Brittany <[bolen.brittany@epa.gov](mailto:bolen.brittany@epa.gov)>; Jackson,



Ryan <jackson.ryan@epa.gov>; Nickerson, William <Nickerson.William@epa.gov>  
**Subject:** RE: Pesticides: delay of effective date of WPS; review of WPS & C&T rule

Hi folks. Here's what I would suggest – feel free to correct me if this sounds out of line:

## Ex. 5 - Deliberative Process

## Ex. 5 - Deliberative Process

## Ex. 5 - Deliberative Process

Cheers,

Sarah

**From:** Dravis, Samantha

**Sent:** Thursday, April 20, 2017 4:23 PM

**To:** Cleland-Hamnett, Wendy <Cleland-Hamnett.Wendy@epa.gov>; Mclean, Kevin <Mclean.Kevin@epa.gov>

**Cc:** Minoli, Kevin <Minoli.Kevin@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Rees, Sarah <rees.sarah@epamail.epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>

**Subject:** RE: Pesticides: delay of effective date of WPS; review of WPS & C&T rule

I'm sorry guys, I got these backward. WPS is already effective, it's the applicator rule that has a petition and is set to go effective May 22. My apologies.

**From:** Dravis, Samantha

**Sent:** Thursday, April 20, 2017 4:21 PM

**To:** Cleland-Hamnett, Wendy <[Cleland-Hamnett.Wendy@epa.gov](mailto:Cleland-Hamnett.Wendy@epa.gov)>; Mclean, Kevin <[Mclean.Kevin@epa.gov](mailto:Mclean.Kevin@epa.gov)>

**Cc:** Minoli, Kevin <[Minoli.Kevin@epa.gov](mailto:Minoli.Kevin@epa.gov)>; Fotouhi, David <[fotouhi.david@epa.gov](mailto:fotouhi.david@epa.gov)>; Schwab, Justin <[schwab.justin@epa.gov](mailto:schwab.justin@epa.gov)>; Bolen, Brittany <[bolen.brittany@epa.gov](mailto:bolen.brittany@epa.gov)>; Rees, Sarah <[rees.sarah@epamail.epa.gov](mailto:rees.sarah@epamail.epa.gov)>; Jackson, Ryan <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)>

**Subject:** Pesticides: delay of effective date of WPS; review of WPS & C&T rule

**Importance:** High

Dear All,

I spoke with the Administrator this morning and he has decided to grant a petition from the National Association of State Departments of Agriculture requesting a delay in the effective date of the pesticide worker protection standard (WPS).

The Administrator has also asked us to begin the process of reviewing both the WPS and the pesticide-application certification and training rule (C&T).

As regards the petition for delay of **WPS**, my understanding is that the effective date is May 22.

My understanding is that we will need to put out a **proposed rule extending the effective date**, take comment for a short period, and follow up with ANPRMs announcing review of both rules.

Thoughts? Do we have enough time to take comment on the extension, or will we need to do an interim-final with comment taken after the fact? Can OCSPP take ownership of this and provide a schedule for the extension?

If I have missed anything here please let me know.

Best,

Samantha

**To:** Freire, JP[Freire.JP@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]  
**Cc:** Jackson, Ryan[jackson.ryan@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Mon 5/8/2017 7:58:13 PM  
**Subject:** RE: Media Request: Board of Scientific Counselors (DEADLINE: 4 PM ET TODAY)

## Ex. 5 - Deliberative Process

## Ex. 5 - Deliberative Process

**From:** Freire, JP  
**Sent:** Monday, May 08, 2017 3:54 PM  
**To:** Dravis, Samantha <dravis.samantha@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>  
**Cc:** Jackson, Ryan <jackson.ryan@epa.gov>  
**Subject:** RE: Media Request: Board of Scientific Counselors (DEADLINE: 4 PM ET TODAY)

## Ex. 5 - Deliberative Process

**From:** Dravis, Samantha  
**Sent:** Monday, May 8, 2017 3:52 PM  
**To:** Freire, JP <Freire.JP@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>  
**Cc:** Jackson, Ryan <jackson.ryan@epa.gov>  
**Subject:** RE: Media Request: Board of Scientific Counselors (DEADLINE: 4 PM ET TODAY)

## Ex. 5 - Deliberative Process

**From:** Freire, JP  
**Sent:** Monday, May 08, 2017 3:10 PM  
**To:** Bolen, Brittany <[bolen.brittany@epa.gov](mailto:bolen.brittany@epa.gov)>  
**Cc:** Dravis, Samantha <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)>; Jackson, Ryan <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)>  
**Subject:** RE: Media Request: Board of Scientific Counselors (DEADLINE: 4 PM ET TODAY)

**Ex. 5 - Deliberative Process**

**From:** Bolen, Brittany  
**Sent:** Monday, May 8, 2017 3:09 PM  
**To:** Freire, JP <[Freire.JP@epa.gov](mailto:Freire.JP@epa.gov)>  
**Cc:** Dravis, Samantha <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)>; Jackson, Ryan <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)>  
**Subject:** Re: Media Request: Board of Scientific Counselors (DEADLINE: 4 PM ET TODAY)

## **Ex. 5 - Deliberative Process**

Sent from my iPhone

On May 8, 2017, at 2:51 PM, Freire, JP <[Freire.JP@epa.gov](mailto:Freire.JP@epa.gov)> wrote:

## **Ex. 5 - Deliberative Process**

**From:** Leven, Rachel [<mailto:rleven@bna.com>]  
**Sent:** Monday, May 8, 2017 2:47 PM  
**To:** Freire, JP <[Freire.JP@epa.gov](mailto:Freire.JP@epa.gov)>  
**Subject:** RE: Media Request: Board of Scientific Counselors (DEADLINE: 4 PM ET TODAY)

Hey, JP. I just got ahold of one of the emails that appears to conflict with your statement

below. The email from Bob Kavlock stated:

“the Agency will carry out a competitive nomination process to solicit new members rather than reappointing individuals who have already served a three-year term.”

Can you please explain the distinction between your statement and Bob’s, which clearly states that new members being considered would not include those who already served a three-year term? Deadline still 4 PM ET

**From:** Leven, Rachel  
**Sent:** Monday, May 08, 2017 12:32 PM  
**To:** Freire, JP <[Freire.JP@epa.gov](mailto:Freire.JP@epa.gov)>  
**Subject:** Re: Media Request: Board of Scientific Counselors (DEADLINE: 4 PM ET TODAY)

Are you planning on similarly approaching the nomination process with other SAB board memberships? Will you have current members' terms expire and allow a new nomination process to occur for all boards?

Sent from my iPhone

On May 8, 2017, at 12:20 PM, Freire, JP <[Freire.JP@epa.gov](mailto:Freire.JP@epa.gov)> wrote:

“Advisory panels like BOSC play a critical role reviewing the agency’s work. EPA received hundreds of nominations to serve on the board, and we want to ensure fair consideration of all the nominees – including those nominated who may have previously served on the panel – and carry out a competitive nomination process.”

**From:** Leven, Rachel [<mailto:rleven@bna.com>]  
**Sent:** Monday, May 8, 2017 10:25 AM  
**To:** Freire, JP <[Freire.JP@epa.gov](mailto:Freire.JP@epa.gov)>  
**Subject:** Media Request: Board of Scientific Counselors (DEADLINE: 4 PM ET)

TODAY)

Hey, JP.

I've been tasked with following up on the Board of Scientific Counselors members being forced out, including Michigan State University professor Robert Richardson. Could you please respond to the following questions:

- ☐ ☐ ☐ ☐ ☐ ☐ ☐ Could you please confirm whether these individuals were forced out and if so, why?
- ☐ ☐ ☐ ☐ ☐ ☐ ☐ If not, why did you decide to reopen the nomination process?
- ☐ ☐ ☐ ☐ ☐ ☐ ☐ Do you intend to apply the same principles to other advisory boards' memberships?
- ☐ ☐ ☐ ☐ ☐ ☐ ☐ How will the change in board members affect the work the current board was already working on, in terms or timeline or substance?

Deadline is 4 PM ET today.

Thank you.

Best,

Rachel

[illegible]

## Rachel Leven

Reporter

**Bloomberg BNA**

Direct 703.341.3778

Cell 571.319.7081

[rleven@bna.com](mailto:rleven@bna.com)



**To:** Jackson, Ryan[jackson.ryan@epa.gov]  
**Cc:** Brown, Byron[brown.byron@epa.gov]; Greenwalt, Sarah[greenwalt.sarah@epa.gov]; Schwab, Justin[schwab.justin@epa.gov]; Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Thur 5/18/2017 2:17:11 PM  
**Subject:** RE:

Nice, thank you so much.

**From:** Jackson, Ryan  
**Sent:** Thursday, May 18, 2017 10:17 AM  
**To:** Dravis, Samantha <dravis.samantha@epa.gov>  
**Cc:** Brown, Byron <brown.byron@epa.gov>; Greenwalt, Sarah <greenwalt.sarah@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>  
**Subject:** Re:

Sure. I can.

Ryan Jackson

Chief of Staff

U.S. EPA

Ex. 6 - Personal Privacy

On May 18, 2017, at 10:09 AM, Dravis, Samantha <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)> wrote:

Can anyone take the Administrator's meeting at 11:30 with Jerry Jung? He wants to talk about ethanol.

Brittany and I have a conflict at 11 – I don't know why I keep getting double booked like this – thanks in advance!!

**To:** Rees, Sarah[rees.sarah@epamail.epa.gov]; Cleland-Hamnett, Wendy[Cleland-Hamnett.Wendy@epa.gov]; Mclean, Kevin[Mclean.Kevin@epa.gov]  
**Cc:** Minoli, Kevin[Minoli.Kevin@epa.gov]; Fotouhi, David[fotouhi.david@epa.gov]; Schwab, Justin[schwab.justin@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]; Nickerson, William[Nickerson.William@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Thur 4/20/2017 9:33:58 PM  
**Subject:** RE: Pesticides: delay of effective date of WPS; review of WPS & C&T rule

Thank you Sarah.

## Ex. 5 - Deliberative Process

**From:** Rees, Sarah  
**Sent:** Thursday, April 20, 2017 4:37 PM  
**To:** Dravis, Samantha <dravis.samantha@epa.gov>; Cleland-Hamnett, Wendy <Cleland-Hamnett.Wendy@epa.gov>; Mclean, Kevin <Mclean.Kevin@epa.gov>  
**Cc:** Minoli, Kevin <Minoli.Kevin@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Nickerson, William <Nickerson.William@epa.gov>  
**Subject:** RE: Pesticides: delay of effective date of WPS; review of WPS & C&T rule

Hi folks. Here's what I would suggest – feel free to correct me if this sounds out of line:

## Ex. 5 - Deliberative Process

## Ex. 5 - Deliberative Process

# Ex. 5 - Deliberative Process

## Ex. 5 - Deliberative Process

Cheers,

Sarah

**From:** Dravis, Samantha

**Sent:** Thursday, April 20, 2017 4:23 PM

**To:** Cleland-Hamnett, Wendy <[Cleland-Hamnett.Wendy@epa.gov](mailto:Cleland-Hamnett.Wendy@epa.gov)>; Mclean, Kevin <[Mclean.Kevin@epa.gov](mailto:Mclean.Kevin@epa.gov)>

**Cc:** Minoli, Kevin <[Minoli.Kevin@epa.gov](mailto:Minoli.Kevin@epa.gov)>; Fotouhi, David <[fotouhi.david@epa.gov](mailto:fotouhi.david@epa.gov)>; Schwab, Justin <[schwab.justin@epa.gov](mailto:schwab.justin@epa.gov)>; Bolen, Brittany <[bolen.brittany@epa.gov](mailto:bolen.brittany@epa.gov)>; Rees, Sarah <[rees.sarah@epamail.epa.gov](mailto:rees.sarah@epamail.epa.gov)>; Jackson, Ryan <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)>

**Subject:** RE: Pesticides: delay of effective date of WPS; review of WPS & C&T rule

I'm sorry guys, I got these backward. WPS is already effective, it's the applicator rule that has a petition and is set to go effective May 22. My apologies.

**From:** Dravis, Samantha

**Sent:** Thursday, April 20, 2017 4:21 PM

**To:** Cleland-Hamnett, Wendy <[Cleland-Hamnett.Wendy@epa.gov](mailto:Cleland-Hamnett.Wendy@epa.gov)>; Mclean, Kevin <[Mclean.Kevin@epa.gov](mailto:Mclean.Kevin@epa.gov)>

**Cc:** Minoli, Kevin <[Minoli.Kevin@epa.gov](mailto:Minoli.Kevin@epa.gov)>; Fotouhi, David <[fotouhi.david@epa.gov](mailto:fotouhi.david@epa.gov)>; Schwab, Justin <[schwab.justin@epa.gov](mailto:schwab.justin@epa.gov)>; Bolen, Brittany <[bolen.brittany@epa.gov](mailto:bolen.brittany@epa.gov)>; Rees, Sarah <[rees.sarah@epamail.epa.gov](mailto:rees.sarah@epamail.epa.gov)>; Jackson, Ryan <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)>

**Subject:** Pesticides: delay of effective date of WPS; review of WPS & C&T rule

**Importance:** High

Dear All,

I spoke with the Administrator this morning and he has decided to grant a petition from the National Association of State Departments of Agriculture requesting a delay in the effective date of the pesticide worker protection standard (WPS).

The Administrator has also asked us to begin the process of reviewing both the WPS and the pesticide-application certification and training rule (C&T).

As regards the petition for delay of **WPS**, my understanding is that the effective date is May 22.

My understanding is that we will need to put out a **proposed rule extending the effective date**, take comment for a short period, and follow up with ANPRMs announcing review of both rules.

Thoughts? Do we have enough time to take comment on the extension, or will we need to do an interim-final with comment taken after the fact? Can OCSPP take ownership of this and provide a schedule for the extension?

If I have missed anything here please let me know.

Best,

Samantha

**To:** Jackson, Ryan[jackson.ryan@epa.gov]  
**Cc:** Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]; Schwab, Justin[schwab.justin@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Fri 4/28/2017 1:00:08 PM  
**Subject:** Re:

Ah ok. So I can tell AI to stay home then and finish the RIA from there? He has Ex. 6 - Personal Privacy something.

Sent from my iPad

> On Apr 28, 2017, at 8:59 AM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

>

> No.

>

> Ryan Jackson

> Chief of Staff

> U.S. EPA

Ex. 6 - Personal Privacy

>

>> On Apr 28, 2017, at 8:51 AM, Dravis, Samantha <dravis.samantha@epa.gov> wrote:

>>

>> Are we still meeting at Noon on CPP with Administrator? I was going to tell AI to come in to walk through the RIA.

>>

>> Sent from my iPad

**To:** Bowman, Liz[Bowman.Liz@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]; Freire, JP[Freire.JP@epa.gov]; Konkus, John[konkus.john@epa.gov]; Brown, Byron[brown.byron@epa.gov]; Ferguson, Lincoln[ferguson.lincoln@epa.gov]; Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]; Bennett, Tate[Bennett.Tate@epa.gov]; Greenwalt, Sarah[greenwalt.sarah@epa.gov]; Wagner, Kenneth[wagner.kenneth@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Thur 3/30/2017 3:06:54 PM  
**Subject:** Fwd: News release - Farm Bureau Praises EPA Chlorpyrifos Decision

Sent from my iPhone

Begin forwarded message:

**From:** Paul Schlegel <pauls@fb.org>  
**Date:** March 30, 2017 at 10:56:26 AM EDT  
**To:** "David Kreutzer (kreutzer.david@epa.gov)" <kreutzer.david@epa.gov>, "dravis.samantha@epa.gov" <dravis.samantha@epa.gov>  
**Subject:** News release - Farm Bureau Praises EPA Chlorpyrifos Decision

David & Samantha –

I wanted you to the press statement we have issued. We're very supportive of the Administrator's decision yesterday.

Paul

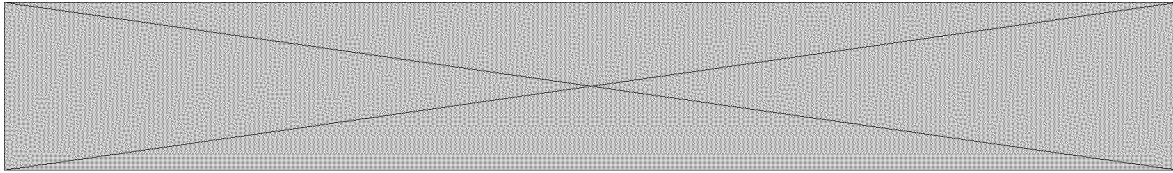
**Paul Schlegel**

**Director, Energy and Environment Team**

**Direct: (202) 406-3687**

**Cell:** Ex. 6 - Personal Privacy

**Email:** [pauls@fb.org](mailto:pauls@fb.org)



Contacts: Will Rodger  
(202) 406-3642  
[willr@fb.org](mailto:willr@fb.org)

Kari Barbic  
(202) 406-3672  
[karib@fb.org](mailto:karib@fb.org)

## **Farm Bureau Praises EPA Chlorpyrifos Decision**

**WASHINGTON, D.C., March 30, 2017** – American Farm Bureau Federation President Zippy Duvall today applauded Environmental Protection Agency Administrator Scott Pruitt for rejecting a petition that would have eliminated the use of chlorpyrifos in agriculture.

“Farmers nationwide depend on chlorpyrifos in managing their crops,” Duvall said. “It is widely and safely used for a wide range of crops, including alfalfa, citrus, vegetables, soybeans, almonds and others. It also protects hundreds of thousands of acres of grass seed production, where it controls aphids, cutworms and other pests. As USDA has noted, chlorpyrifos has been used as a part of environmentally friendly IPM (integrated pest management) programs for nearly 50 years.”

Duvall noted that the chemical is still subject to registration review and any concerns about its safe use can be addressed in that process.

AFBF earlier filed comments with EPA expressing concern over the agency’s approach. The agency had apparently relied on epidemiological studies even though researchers had failed to share raw data with the agency. EPA’s own Scientific Advisory Panel, as well as USDA, had expressed caution about how the agency used the epidemiological study.





**To:** Jackson, Ryan[jackson.ryan@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Sun 3/26/2017 9:12:06 PM  
**Subject:** RE: Requested Transmittal to OMB of the FY16 GLRI Report to Congress

For tomorrow's 9am I am making a quick list of hot topics that will be a lot more relevant because they are actually things that staff needs to discuss

**From:** Jackson, Ryan  
**Sent:** Sunday, March 26, 2017 5:09 PM  
**To:** Dravis, Samantha <dravis.samantha@epa.gov>  
**Subject:** FW: Requested Transmittal to OMB of the FY16 GLRI Report to Congress

We need to get this report to Congress. I'm going to take a look at this to get this out the door. Whew.

**From:** Benton, Donald  
**Sent:** Tuesday, March 7, 2017 12:31 PM  
**To:** Jackson, Ryan <jackson.ryan@epa.gov>  
**Cc:** Konkus, John <konkus.john@epa.gov>; Hale, Michelle <hale.michelle@epa.gov>  
**Subject:** FW: Requested Transmittal to OMB of the FY16 GLRI Report to Congress

RJ,

I have read the entire report and the cover letter from Bob Kaplan. It appears to be a terrific compilation of good news stories. The first page is a note from the Chairman (Scott) and it reads very well. I do not know who wrote it but suggest John review for any edits. One of the highlights is the 240 million dollars in private investment that was leveraged. After John looks over the Chairman's comments I recommend approval for Kaplan to release to Congress.

I suggest a visit to the Great Lakes by the Administrator, coordinated with the Flint Grant of 100 million, to coincide with the report being delivered to Congress. This could be a two-fer for the boss. Nothing but good news here and we should try to amplify it with some press and a visit if it fits in his schedule. I can advance it if you like as I did Chesapeake Bay.

.

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



**From:** Martinez, Isidra **On Behalf Of** Kaplan, Robert

**Sent:** Monday, March 6, 2017 6:22 PM

**To:** Adm14Pruitt, Scott <[adm14pruitt.scott@epa.gov](mailto:adm14pruitt.scott@epa.gov)>

**Cc:** Jackson, Ryan <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)>; Schnare, David <[schnare.david@epa.gov](mailto:schnare.david@epa.gov)>; Shapiro, Mike <[Shapiro.Mike@epa.gov](mailto:Shapiro.Mike@epa.gov)>; Flynn, Mike <[Flynn.Mike@epa.gov](mailto:Flynn.Mike@epa.gov)>; Connors, Sandra <[Connors.Sandra@epa.gov](mailto:Connors.Sandra@epa.gov)>; Benton, Donald <[benton.donald@epa.gov](mailto:benton.donald@epa.gov)>

**Subject:** Requested Transmittal to OMB of the FY16 GLRI Report to Congress

Administrator Pruitt,

The purpose of this email is to request the transmittal to OMB of the FY 2016 Great Lakes Restoration Initiative Progress Report to Congress and the President. We have incorporated previous edits by EPA Headquarters.

EPA is required by the 2010 Appropriations Conference Report, 111-316, to submit a report pertaining to the Great Lakes Restoration Initiative to Congress and the President on behalf of the Great Lakes Interagency Task Force. The Conference Report directs EPA to provide detailed yearly GLRI program accomplishments and compare specific funding levels allocated for

participating federal agencies from fiscal year to fiscal year. A brief memo from me as Acting Great Lakes National Program Manager is also attached which provides an overview of the Great Lakes Restoration Initiative (GLRI) progress and accomplishments through Fiscal Year 2016.

- Bob Kaplan

Robert Kaplan

Acting Regional Administrator

EPA Region 5 – Chicago

Cell: Ex. 6 - Personal Privacy

Direct: 312-886-1499

Main: 312- 886-3000

**To:** Hale, Michelle[hale.michelle@epa.gov]  
**Cc:** Jackson, Ryan[jackson.ryan@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Mon 5/8/2017 7:41:04 PM  
**Subject:** RE:

I think that would be the right call – Ryan, let me know if you disagree but I don't think LL and JB are going to want to meet up in DC that early. 7am start time is kind of brutal.

**From:** Hale, Michelle  
**Sent:** Monday, May 08, 2017 3:40 PM  
**To:** Dravis, Samantha <dravis.samantha@epa.gov>  
**Subject:** RE:

I did so based on his schedule – I will let Syd know there will be no COS tomorrow

**From:** Dravis, Samantha  
**Sent:** Monday, May 8, 2017 3:38 PM  
**To:** Hale, Michelle <hale.michelle@epa.gov>  
**Subject:** RE:

Is there any way we could change that to 8am? Thank you. I am not comfortable asking Leonard or Scott for that matter to be at the Hay Adams by 7am. Was that SP's request?

**From:** Hale, Michelle  
**Sent:** Monday, May 08, 2017 3:36 PM  
**To:** Dravis, Samantha <dravis.samantha@epa.gov>  
**Subject:** RE:

Breakfast is at 7:00 a.m. tomorrow

**From:** Dravis, Samantha

**Sent:** Monday, May 8, 2017 3:31 PM  
**To:** Hale, Michelle <[hale.michelle@epa.gov](mailto:hale.michelle@epa.gov)>  
**Cc:** Jackson, Ryan <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)>  
**Subject:**

LL and JB are good for breakfast with the Administrator tomorrow at 8am at Hay Adams. Kellyanne's assistant did not respond to me, so I am assuming she can't make the change, and we need to keep the Weds apt with her.

Where are we at on dinner tomorrow night at present?

**To:** Ferguson, Lincoln[ferguson.lincoln@epa.gov]  
**Cc:** Bolen, Brittany[bolen.brittany@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]; Hupp, Sydney[hupp.sydney@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Tue 4/11/2017 11:36:49 AM  
**Subject:** Re: 4.11 Listening Session

<https://www.patomak.com/paulatkins>

Sent from my iPhone

On Apr 11, 2017, at 7:26 AM, Dravis, Samantha <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)> wrote:

<https://www.gm.com/company/leadership/corporate-officers/mary-barra.html>

Sent from my iPhone

On Apr 11, 2017, at 7:25 AM, Dravis, Samantha <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)> wrote:

[https://en.m.wikipedia.org/wiki/Daniel\\_Yergin](https://en.m.wikipedia.org/wiki/Daniel_Yergin)

Pruitt is well familiar with him, but this sums it up. Syd can you print a bio?

Sent from my iPhone

On Apr 7, 2017, at 4:50 PM, Ferguson, Lincoln <[ferguson.lincoln@epa.gov](mailto:ferguson.lincoln@epa.gov)> wrote:

Brittany –

Attached is the notecard the Administrator used for the EMC meeting. Let me know your thoughts. Might be able to prepare 2-3 bullet points for various topics that may come up. I can assist with those, but can you let me know any specific issues we will want him prepped on?

Thanks,  
LF

**From:** Jackson, Ryan  
**Sent:** Friday, April 7, 2017 11:42 AM

**To:** Bolen, Brittany <[bolen.brittany@epa.gov](mailto:bolen.brittany@epa.gov)>  
**Cc:** Ferguson, Lincoln <[ferguson.lincoln@epa.gov](mailto:ferguson.lincoln@epa.gov)>; Dravis, Samantha <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)>  
**Subject:** Re: 4.11 Listening Session

Just backgrounder on what reopening midterm review means and potential next steps with dot.

Ryan Jackson

Chief of Staff

U.S. EPA

Ex. 6 - Personal Privacy

On Apr 7, 2017, at 9:57 AM, Bolen, Brittany <[bolen.brittany@epa.gov](mailto:bolen.brittany@epa.gov)> wrote:

Okay. Lincoln, let us know what you need for CAFÉ.

**From:** Jackson, Ryan  
**Sent:** Friday, April 7, 2017 10:15 AM  
**To:** Ferguson, Lincoln <[ferguson.lincoln@epa.gov](mailto:ferguson.lincoln@epa.gov)>  
**Cc:** Bolen, Brittany <[bolen.brittany@epa.gov](mailto:bolen.brittany@epa.gov)>; Dravis, Samantha <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)>  
**Subject:** Fwd: 4.11 Listening Session

I mentioned it to syd but for this we need the priorities pocket card you prepared for the emc remarks.

We could use a little more on cafe. And some background in the three participants.

Thanks.

Ryan Jackson

Chief of Staff

U.S. EPA

**Ex. 6 - Personal Privacy**

Begin forwarded message:

**From:** "Dumbauld, Cassidy M. EOP/WHO"

**Ex. 6 - Personal Privacy**

**Date:** April 6, 2017 at 4:34:02 PM CDT

**To:** "hupp.sydney@epa.gov" <hupp.sydney@epa.gov>,  
"hale.michelle@epa.gov" <hale.michelle@epa.gov>,  
"jackson.ryan@epa.gov" <jackson.ryan@epa.gov>

**Cc:** "Gunn, Ashley L. EOP/WHO" <**Ex. 6 - Personal Privacy**>  
"McGinley, William J. EOP/WHO"

<**Ex. 6 - Personal Privacy**>, "Dearborn, Rick A. EOP/WHO"  
<**Ex. 6 - Personal Privacy**> "Moorhead, Quellie U.

EOP/WHO" <**Ex. 6 - Personal Privacy**>, "Cordish, Reed S.

EOP/WHO" <**Ex. 6 - Personal Privacy**> "Liddell, Christopher P.

EOP/WHO" <**Ex. 6 - Personal Privacy**>

**Subject:** RE: 4.11 Listening Session

Hi Administrator Pruitt,

## **Ex. 5 - Deliberative Process**

We are looking forward to the event on Tuesday.

Please let me know if you need anything else,

Cassidy

-----Original Message-----

From: Dumbauld, Cassidy M. EOP/WHO

Sent: Wednesday, April 5, 2017 3:54 PM

To: 'hupp.sydney@epa.gov' <hupp.sydney@epa.gov>;

'hale.michelle@epa.gov' <hale.michelle@epa.gov>;

'jackson.ryan@epa.gov' <jackson.ryan@epa.gov>

Cc: Gunn, Ashley L. EOP/WHO <**Ex. 6 - Personal Privacy**>



McGinley, William J. EOP/WHO

Ex. 6 - Personal Privacy; Dearborn, Rick A. EOP/WHO

Ex. 6 - Personal Privacy; Moorhead, Quellie U. EOP/WHO

**Ex. 6 - Personal Privacy**; Cordish, Reed S. EOP/WHO

Ex. 6 - Personal Privacy; Liddell, Christopher P. EOP/WHO

Ex. 6 - Personal Privacy

Subject: 4.11 Listening Session

Dear Administrator Pruitt,

We are looking forward to another great event next week.

Attached is as follows:

- 1) Event memo
- 2) CEO pairings with each Cabinet member
- 3) The agenda for the entire event (including the smaller breakout sessions)

## Ex. 5 - Deliberative Process

Please let us know if you have any questions and we will see you next week!

Cassidy

<POTUS Policy Meeting 4-11-17.docx>

**To:** Jackson, Ryan[jackson.ryan@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Sun 3/26/2017 9:11:17 PM  
**Subject:** RE: Requested Transmittal to OMB of the FY16 GLRI Report to Congress

Let me know if you want a 2<sup>nd</sup> pair of eyes but it seems fairly vanilla, right?

**From:** Jackson, Ryan  
**Sent:** Sunday, March 26, 2017 5:09 PM  
**To:** Dravis, Samantha <dravis.samantha@epa.gov>  
**Subject:** FW: Requested Transmittal to OMB of the FY16 GLRI Report to Congress

We need to get this report to Congress. I'm going to take a look at this to get this out the door. Whew.

**From:** Benton, Donald  
**Sent:** Tuesday, March 7, 2017 12:31 PM  
**To:** Jackson, Ryan <jackson.ryan@epa.gov>  
**Cc:** Konkus, John <konkus.john@epa.gov>; Hale, Michelle <hale.michelle@epa.gov>  
**Subject:** FW: Requested Transmittal to OMB of the FY16 GLRI Report to Congress

RJ,

I have read the entire report and the cover letter from Bob Kaplan. It appears to be a terrific compilation of good news stories. The first page is a note from the Chairman (Scott) and it reads very well. I do not know who wrote it but suggest John review for any edits. One of the highlights is the 240 million dollars in private investment that was leveraged. After John looks over the Chairman's comments I recommend approval for Kaplan to release to Congress.

I suggest a visit to the Great Lakes by the Administrator, coordinated with the Flint Grant of 100 million, to coincide with the report being delivered to Congress. This could be a two-fer for the boss. Nothing but good news here and we should try to amplify it with some press and a visit if it fits in his schedule. I can advance it if you like as I did Chesapeake Bay.

.

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



**From:** Martinez, Isidra **On Behalf Of** Kaplan, Robert

**Sent:** Monday, March 6, 2017 6:22 PM

**To:** Adm14Pruitt, Scott <[adm14pruitt.scott@epa.gov](mailto:adm14pruitt.scott@epa.gov)>

**Cc:** Jackson, Ryan <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)>; Schnare, David <[schnare.david@epa.gov](mailto:schnare.david@epa.gov)>; Shapiro, Mike <[Shapiro.Mike@epa.gov](mailto:Shapiro.Mike@epa.gov)>; Flynn, Mike <[Flynn.Mike@epa.gov](mailto:Flynn.Mike@epa.gov)>; Connors, Sandra <[Connors.Sandra@epa.gov](mailto:Connors.Sandra@epa.gov)>; Benton, Donald <[benton.donald@epa.gov](mailto:benton.donald@epa.gov)>

**Subject:** Requested Transmittal to OMB of the FY16 GLRI Report to Congress

Administrator Pruitt,

The purpose of this email is to request the transmittal to OMB of the FY 2016 Great Lakes Restoration Initiative Progress Report to Congress and the President. We have incorporated previous edits by EPA Headquarters.

EPA is required by the 2010 Appropriations Conference Report, 111-316, to submit a report pertaining to the Great Lakes Restoration Initiative to Congress and the President on behalf of the Great Lakes Interagency Task Force. The Conference Report directs EPA to provide detailed yearly GLRI program accomplishments and compare specific funding levels allocated for participating federal agencies from fiscal year to fiscal year. A brief memo from me as Acting

Great Lakes National Program Manager is also attached which provides an overview of the Great Lakes Restoration Initiative (GLRI) progress and accomplishments through Fiscal Year 2016.

- Bob Kaplan

Robert Kaplan

Acting Regional Administrator

EPA Region 5 – Chicago

Cell: Ex. 6 - Personal Privacy

Direct: 312-886-1499

Main: 312- 886-3000

**To:** Freire, JP[Freire.JP@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]  
**Cc:** Jackson, Ryan[jackson.ryan@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Mon 5/8/2017 7:33:50 PM  
**Subject:** RE: Media Request: Board of Scientific Counselors (DEADLINE: 4 PM ET TODAY)

We have a meeting at 4. Britt are you back?

**From:** Freire, JP  
**Sent:** Monday, May 08, 2017 3:10 PM  
**To:** Bolen, Brittany <bolen.brittany@epa.gov>  
**Cc:** Dravis, Samantha <dravis.samantha@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>  
**Subject:** RE: Media Request: Board of Scientific Counselors (DEADLINE: 4 PM ET TODAY)

### Ex. 5 - Deliberative Process

**From:** Bolen, Brittany  
**Sent:** Monday, May 8, 2017 3:09 PM  
**To:** Freire, JP <Freire.JP@epa.gov>  
**Cc:** Dravis, Samantha <dravis.samantha@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>  
**Subject:** Re: Media Request: Board of Scientific Counselors (DEADLINE: 4 PM ET TODAY)

## Ex. 5 - Deliberative Process

Sent from my iPhone

On May 8, 2017, at 2:51 PM, Freire, JP <Freire.JP@epa.gov> wrote:

### Ex. 5 - Deliberative Process

**From:** Leven, Rachel [<mailto:rleven@bna.com>]  
**Sent:** Monday, May 8, 2017 2:47 PM  
**To:** Freire, JP <[Freire.JP@epa.gov](mailto:Freire.JP@epa.gov)>  
**Subject:** RE: Media Request: Board of Scientific Counselors (DEADLINE: 4 PM ET TODAY)

Hey, JP. I just got ahold of one of the emails that appears to conflict with your statement below. The email from Bob Kavlock stated:

“the Agency will carry out a competitive nomination process to solicit new members rather than reappointing individuals who have already served a three-year term.”

Can you please explain the distinction between your statement and Bob’s, which clearly states that new members being considered would not include those who already served a three-year term? Deadline still 4 PM ET

**From:** Leven, Rachel  
**Sent:** Monday, May 08, 2017 12:32 PM  
**To:** Freire, JP <[Freire.JP@epa.gov](mailto:Freire.JP@epa.gov)>  
**Subject:** Re: Media Request: Board of Scientific Counselors (DEADLINE: 4 PM ET TODAY)

Are you planning on similarly approaching the nomination process with other SAB board memberships? Will you have current members' terms expire and allow a new nomination process to occur for all boards?

Sent from my iPhone

On May 8, 2017, at 12:20 PM, Freire, JP <[Freire.JP@epa.gov](mailto:Freire.JP@epa.gov)> wrote:

“Advisory panels like BOSC play a critical role reviewing the agency’s work. EPA received hundreds of nominations to serve on the board, and we want to ensure fair consideration of all the nominees – including those nominated who may have previously served on the panel – and carry out a competitive nomination process.”

**From:** Leven, Rachel [<mailto:rleven@bna.com>]  
**Sent:** Monday, May 8, 2017 10:25 AM  
**To:** Freire, JP <[Freire.JP@epa.gov](mailto:Freire.JP@epa.gov)>  
**Subject:** Media Request: Board of Scientific Counselors (DEADLINE: 4 PM ET TODAY)

Hey, JP.

I've been tasked with following up on the Board of Scientific Counselors members being forced out, including Michigan State University professor Robert Richardson. Could you please respond to the following questions:

- ☐ ☐ ☐ ☐ ☐ ☐ Could you please confirm whether these individuals were forced out and if so, why?
- ☐ ☐ ☐ ☐ ☐ ☐ If not, why did you decide to reopen the nomination process?
- ☐ ☐ ☐ ☐ ☐ ☐ Do you intend to apply the same principles to other advisory boards' memberships?
- ☐ ☐ ☐ ☐ ☐ ☐ How will the change in board members affect the work the current board was already working on, in terms or timeline or substance?

Deadline is 4 PM ET today.

Thank you.

Best,

Rachel

[illegible]

**Rachel Leven**

Reporter

**Bloomberg BNA**

Direct 703.341.3778

Cell 571.319.7081

[rleven@bna.com](mailto:rleven@bna.com)



**To:** Jackson, Ryan[jackson.ryan@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Wed 5/17/2017 11:35:39 PM  
**Subject:** Re:

No.. ?

Sent from my iPad

> On May 17, 2017, at 7:16 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:  
>  
> Did you see the SRO paperwork today?  
>  
> Ryan Jackson  
> Chief of Staff  
> U.S. EPA  
> Ex. 6 - Personal Privacy

**To:** Jackson, Ryan[jackson.ryan@epa.gov]; Greenwalt, Sarah[greenwalt.sarah@epa.gov]; Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]; Brown, Byron[brown.byron@epa.gov]; Fotouhi, David[fotouhi.david@epa.gov]; Schwab, Justin[schwab.justin@epa.gov]  
**Cc:** Hupp, Sydney[hupp.sydney@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Wed 5/17/2017 5:33:36 PM  
**Subject:** RE: Meetings for this week

Yes but it seems unfair that Byron gets to do the Wild Stallions. That one sounds lively.

**From:** Jackson, Ryan  
**Sent:** Wednesday, May 17, 2017 1:24 PM  
**To:** Greenwalt, Sarah <greenwalt.sarah@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Brown, Byron <brown.byron@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>  
**Cc:** Hupp, Sydney <hupp.sydney@epa.gov>  
**Subject:** Meetings for this week

Mandy and or Justin, can you staff the Contura Energy meeting tomorrow?

Sam, can you and or Brittany staff the International Paper meeting tomorrow?

Sarah, can you staff the N. D. Ag meeting tomorrow?

Byron and or David can you staff the Duke Energy meeting next Monday and the Wild Stallions meetings?

Ryan Jackson

Chief of Staff

U.S. Environmental Protection Agency

**Ex. 6 - Personal Privacy**

**To:** Jackson, Ryan[jackson.ryan@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Sun 3/26/2017 8:58:08 PM  
**Subject:** RE: Canadian Energy

Sure, Brittany and I can take this

**From:** Jackson, Ryan  
**Sent:** Sunday, March 26, 2017 4:57 PM  
**To:** Dravis, Samantha <dravis.samantha@epa.gov>  
**Subject:** FW: Canadian Energy

Is this something you're shop would like to do?

**From:** Rozsa, Gabe [<mailto:Gabe.Rozsa@prime-policy.com>]  
**Sent:** Wednesday, March 8, 2017 3:31 PM  
**To:** Jackson, Ryan <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)>  
**Subject:** Canadian Energy

Ryan,

I wanted to ask for your advice on whether a meeting with the Administrator or his senior staff might be possible to talk about North American energy integration and streamlining environmental reviews for cross border energy projects. The meeting would be on either April 4 or 5 with a client who is a leader in the oil sands region of Alberta.

As the Trump Administration and the Congress rethink the US energy policy, I know integration of North American energy, including the role of Canadian oil in helping to meet domestic needs and the role of pipelines like KXL is again be on the agenda. Although KXL finally is on track for approval, there remain many regulatory issues involved and likely other pipelines issues in the future raising issues to consider.

We represent a group of Canadian oil companies that are drilling for oil in Alberta. Bill McCaffrey, the CEO of MEG Energy and the leading force behind our client, the In situ Oil Sands Alliance (IOSA), will be in DC for meetings on April 4 and 5 and I was hoping to schedule time with you or someone you might recommend at EPA to discuss next steps toward better integration and North American energy independence. MEG and IOSA have done some pioneering work in the in situ process which is estimated to represent 80% of the available

Canadian oil sands resource. A little biographically information about Bill can be found [here](#) which summarizes an award he recently received for his dynamic leadership in energy issues including innovative development and transport of the resource. I also expect a few other executives from MEG and/or IOSA on the trip.

I know staffing at the agencies is still pretty thin but please let me know what you recommend.

Gabe

**Gabe Rozsa**

Managing Director

1110 Vermont Avenue, NW | Suite 1000 | Washington, DC 20005

202 530 4843 | Fax: 202 530 4800 | Cell: Ex. 6 - Personal Privacy

[www.prime-policy.com](http://www.prime-policy.com)



A WPP Group Company: [www.wpp.com](http://www.wpp.com)

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The information, and any attachments contained in this email may contain confidential and/or privileged information and is intended solely for the use of the intended named recipient(s). Any disclosure or dissemination in whatever form, by another other than the intended recipient is strictly prohibited. If you have received this transmission in error, please contact the sender and destroy this message and any attachments. Thank you.

**To:** Kasman, Mark[Kasman.Mark@epa.gov]  
**Cc:** Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Fri 6/2/2017 7:09:43 PM  
**Subject:** RE: Info needed for Italy

## Ex. 5 - Deliberative Process

-----Original Message-----

**From:** Kasman, Mark  
**Sent:** Friday, June 02, 2017 3:09 PM  
**To:** Dravis, Samantha <dravis.samantha@epa.gov>  
**Cc:** Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>  
**Subject:** Re: Info needed for Italy

## Ex. 5 - Deliberative Process

Sent from my iPhone

> On Jun 2, 2017, at 3:00 PM, Dravis, Samantha <dravis.samantha@epa.gov> wrote:

>

> Mandy and I are arriving in Rome on Tuesday June 6th - not on Thursday. We are there at the direction of the Administrator and doing meetings, not personal. The question is why we're running into difficulty getting a hotel those two days. We were told that you are the person who we need to talk to.

>

> -----Original Message-----

> **From:** Kasman, Mark  
> **Sent:** Friday, June 02, 2017 3:00 PM  
> **To:** Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>  
> **Cc:** Dravis, Samantha <dravis.samantha@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>  
> **Subject:** Re: Info needed for Italy

>

> Hi Mandy,

>

> We have you confirmed arriving in Rome with the Administrator. You have a room reserved for early arrival with everyone on the delegation. I look forward to seeing you there.

>

> Mark

>

> Sent from my iPhone

>

>> On Jun 2, 2017, at 2:56 PM, Gunasekara, Mandy <Gunasekara.Mandy@epa.gov> wrote:

>>

>> Hi Mark,

>>

>> I was directed your way to get confirmation for our hotel and transportation information for the two days Samantha and I are in Rome, per Ryan's direction. Please let me know if you have any questions or need additional information.

>>  
>> Thank you,  
>> Mandy  
>>  
>> Sent from my iPhone

**To:** Jackson, Ryan[jackson.ryan@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Thur 4/27/2017 12:22:08 AM  
**Subject:** Re:

Are you good now? Assume this was from earlier

Sent from my iPhone

> On Apr 26, 2017, at 7:03 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

>

> I need you to call me. Ex. 6 - Personal Privacy

>

> Ryan Jackson

> Chief of Staff

> U.S. EPA

> Ex. 6 - Personal Privacy



**To:** Zarba, Christopher[Zarba.Christopher@epa.gov]; Reeder, John[Reeder.John@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]  
**Cc:** Johnston, Khanna[Johnston.Khanna@epa.gov]; Blowe, Brittany[Blowe.Brittany@epa.gov]; Rees, Sarah[rees.sarah@epa.gov]; Kime, Robin[Kime.Robin@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Wed 5/17/2017 4:36:49 PM  
**Subject:** RE: Heads Up

We'll need a briefing on this. Robin can help find a mutually acceptable time.

**From:** Zarba, Christopher  
**Sent:** Wednesday, May 17, 2017 10:53 AM  
**To:** Reeder, John <Reeder.John@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>  
**Cc:** Johnston, Khanna <Johnston.Khanna@epa.gov>; Blowe, Brittany <Blowe.Brittany@epa.gov>; Rees, Sarah <rees.sarah@epa.gov>  
**Subject:** Heads Up

The SAB has a FR announcement announcing a SAB review on The Risk and Technology Review Methods in the Office of Policy awaiting approval by OP. We will need OP to process the FR by COB tomorrow in order to conduct the review when it is scheduled on June 29<sup>th</sup>.

Let me know if you have any questions.

Thank you.

**Christopher S. Zarba**

**US EPA Science Advisory Board**

[zarba.christopher@epa.gov](mailto:zarba.christopher@epa.gov)

**O (202) 564-0760**

**M** Ex. 6 - Personal Privacy

**To:** Jackson, Ryan[jackson.ryan@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Mon 5/8/2017 5:04:18 PM  
**Subject:** RE: Heads up - OMB issue on Steam Electric

## Ex. 5 - Deliberative Process

**From:** Jackson, Ryan  
**Sent:** Monday, May 08, 2017 1:04 PM  
**To:** Dravis, Samantha <dravis.samantha@epa.gov>  
**Subject:** Re: Heads up - OMB issue on Steam Electric

Let's just make a list and I'll take it over.

## Ex. 5 - Deliberative Process

Ryan Jackson

Chief of Staff

U.S. EPA

Ex. 6 - Personal Privacy

On May 8, 2017, at 12:59 PM, Dravis, Samantha <dravis.samantha@epa.gov> wrote:

## Ex. 5 - Deliberative Process

**From:** Rees, Sarah  
**Sent:** Monday, May 08, 2017 12:52 PM  
**To:** Dravis, Samantha <dravis.samantha@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>  
**Cc:** Kime, Robin <Kime.Robin@epa.gov>  
**Subject:** Heads up - OMB issue on Steam Electric  
**Importance:** High

Hi Samantha – the steam electric FR notice to postpone compliance dates until EPA completes a revised rule is still here at OP (despite my approval to send it to you for approval this am)

**Ex. 5 - Deliberative Process**

## **Ex. 5 - Deliberative Process**

The reason OMB is claiming this may be significant is that they feel there is additional

**Ex. 5 - Deliberative Process**

## **Ex. 5 - Deliberative Process**

## **Ex. 5 - Deliberative Process**

## **Ex. 5 - Deliberative Process**

**Sarah L. Rees, Ph.D.**

Director, Office of Regulatory Policy & Management

US EPA – Office of Policy

(202) 564-1986 (o) **Ex. 6 - Personal Privacy** (m)

**To:** Kasman, Mark[Kasman.Mark@epa.gov]  
**Cc:** Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Fri 6/2/2017 7:07:26 PM  
**Subject:** RE: Info needed for Italy

## Ex. 5 - Deliberative Process

-----Original Message-----

From: Kasman, Mark  
Sent: Friday, June 02, 2017 3:05 PM  
To: Dravis, Samantha <dravis.samantha@epa.gov>  
Cc: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>  
Subject: Re: Info needed for Italy

That is not correct. You will be reimbursed for your room in Bologna.

I understand that your assistant asked my staff if you would have to pay for your room when you are on your personal time in Rome. You will be responsible for securing your and paying for own room in Rome on May 6th. Because we paid for the rooms on May 7th to secure early arrival for the delegation on May 8th, you will have the benefit of checking into that room on May 7th at no cost to the government.

Mark

Sent from my iPhone

> On Jun 2, 2017, at 2:58 PM, Dravis, Samantha <dravis.samantha@epa.gov> wrote:

>

> Also Mark:

>

> I was just told by my assistant that it has been suggested that Mandy and I would have to pay for our own hotels in Bologna while we are there doing G-7 meetings because the Administrator will have already left. That cannot be the case. He has asked us to stay in Bologna with you and Jane and conduct those meetings. That is official business.

>

> -----Original Message-----

> From: Gunasekara, Mandy

> Sent: Friday, June 02, 2017 2:56 PM

> To: Kasman, Mark <Kasman.Mark@epa.gov>

> Cc: Dravis, Samantha <dravis.samantha@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>

> Subject: Info needed for Italy

>

> Hi Mark,

>

> I was directed your way to get confirmation for our hotel and transportation information for the two days Samantha and I are in Rome, per Ryan's direction. Please let me know if you have any questions or need additional information.

>

> Thank you,

> Mandy

>

> Sent from my iPhone

**To:** Nishida, Jane[Nishida.Jane@epa.gov]; Hupp, Sydney[hupp.sydney@epa.gov]; Hale, Michelle[hale.michelle@epa.gov]  
**Cc:** Jackson, Ryan[jackson.ryan@epa.gov]; Freire, JP[Freire.JP@epa.gov]; Ferguson, Lincoln[ferguson.lincoln@epa.gov]; Greenwalt, Sarah[greenwalt.sarah@epa.gov]; Hupp, Millan[hupp.millan@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Wed 4/26/2017 4:27:33 PM  
**Subject:** RE: Draft Itineraries for International Travel Meeting

Jane,

Thank you for this. At the outset, I can say that I have researched hotels and the Gran Melia in Rome is where the Administrator and staff need to stay for convenience purposes. Let me know if this is a problem but if we could make that change on the itinerary before Friday I would appreciate it.

Best,

Samantha

**From:** Nishida, Jane  
**Sent:** Wednesday, April 26, 2017 9:10 AM  
**To:** Hupp, Sydney <hupp.sydney@epa.gov>; Hale, Michelle <hale.michelle@epa.gov>  
**Cc:** Jackson, Ryan <jackson.ryan@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Freire, JP <Freire.JP@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Greenwalt, Sarah <greenwalt.sarah@epa.gov>; Hupp, Millan <hupp.millan@epa.gov>  
**Subject:** Draft Itineraries for International Travel Meeting

Sydney/Michelle,

Attached are draft itineraries for the Italy and Israel trips for the International Travel meeting with the Administrator on Friday. Please note there are two optional itineraries for Italy - one includes an audience with the Pope and one without. While the primary focus of the meeting will be to discuss the Italy itinerary, if we had time it would be good to discuss the Israel itinerary as well.

Please let me know if you have any questions or need additional information.

Thanks,

Jane

**To:** Bennett, Tate[Bennett.Tate@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Thur 3/30/2017 12:50:37 PM  
**Subject:** RE: RGPPC Briefing [WARNING: SPF validation failed]

Ok. I'll write Brian back and maybe you and I can do this call?

**From:** Bennett, Tate  
**Sent:** Thursday, March 30, 2017 8:42 AM  
**To:** Dravis, Samantha <dravis.samantha@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>  
**Subject:** RE: RGPPC Briefing [WARNING: SPF validation failed]

Defer to Ryan, but it seems like a no brainer. Would actually be good to schedule regular (monthly? Bimonthly?) calls with some of these gov groups.

**From:** Dravis, Samantha  
**Sent:** Thursday, March 30, 2017 8:38 AM  
**To:** Bennett, Tate <Bennett.Tate@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>  
**Subject:** Fwd: RGPPC Briefing [WARNING: SPF validation failed]

Thoughts?

Begin forwarded message:

**From:** Brian Sanderson <bsanderson@rgppc.org>  
**Date:** March 30, 2017 at 6:36:50 AM EDT  
**To:** Samantha Dravis <Dravis.samantha@epa.gov>  
**Cc:** Lauren Strickland <LStrickland@rgppc.org>, Erin Adams <eadams@rgppc.org>  
**Subject:** RGPPC Briefing [WARNING: SPF validation failed]

Samantha - Good morning. We were discussing yesterday the opportunity for our state energy policy advisors to have a telephone conference with you or someone from your shop to hear an overview of the top line actions the EPA is taking (or any other matters you deem relevant). Would you be open to thinking about something over the next couple of weeks? Perhaps 30 minutes? Thanks - Brian

Brian W. Sanderson  
Policy Director  
Republican Governors Public Policy Committee (RGPPC)



Republican Governors Association (RGA)  
(228) 223-1922<tel: [REDACTED] (mobile)

**To:** Ferguson, Lincoln[ferguson.lincoln@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Wed 5/17/2017 4:34:55 PM  
**Subject:** RE: Updated RSVP list

## Ex. 5 - Deliberative Process

**From:** Ferguson, Lincoln  
**Sent:** Wednesday, May 17, 2017 12:07 PM  
**To:** Jackson, Ryan <jackson.ryan@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>  
**Subject:** Fwd: Updated RSVP list

Sent from my iPhone

Begin forwarded message:

**From:** "Freire, JP" <Freire.JP@epa.gov>  
**Date:** May 17, 2017 at 12:06:20 PM EDT  
**To:** "Ferguson, Lincoln" <ferguson.lincoln@epa.gov>, "Hupp, Millan" <hupp.millan@epa.gov>, "Chmielewski, Kevin" <chmielewski.kevin@epa.gov>  
**Cc:** "Bowman, Liz" <Bowman.Liz@epa.gov>, "Graham, Amy" <graham.amy@epa.gov>, "Konkus, John" <konkus.john@epa.gov>, "Wilcox, Jahan" <wilcox.jahan@epa.gov>  
**Subject:** RE: Updated RSVP list

## Ex. 5 - Deliberative Process

**From:** Freire, JP  
**Sent:** Wednesday, May 17, 2017 11:26 AM

**To:** Ferguson, Lincoln <[ferguson.lincoln@epa.gov](mailto:ferguson.lincoln@epa.gov)>; Hupp, Millan <[hupp.millan@epa.gov](mailto:hupp.millan@epa.gov)>; Chmielewski, Kevin <[chmielewski.kevin@epa.gov](mailto:chmielewski.kevin@epa.gov)>  
**Cc:** Bowman, Liz <[Bowman.Liz@epa.gov](mailto: Bowman.Liz@epa.gov)>; Graham, Amy <[graham.amy@epa.gov](mailto:graham.amy@epa.gov)>; Konkus, John <[konkus.john@epa.gov](mailto:konkus.john@epa.gov)>; Wilcox, Jahan <[wilcox.jahan@epa.gov](mailto:wilcox.jahan@epa.gov)>  
**Subject:** RE: Updated RSVP list

## Ex. 5 - Deliberative Process

**From:** Ferguson, Lincoln  
**Sent:** Wednesday, May 17, 2017 11:19 AM  
**To:** Hupp, Millan <[hupp.millan@epa.gov](mailto:hupp.millan@epa.gov)>; Chmielewski, Kevin <[chmielewski.kevin@epa.gov](mailto:chmielewski.kevin@epa.gov)>  
**Cc:** Bowman, Liz <[Bowman.Liz@epa.gov](mailto: Bowman.Liz@epa.gov)>; Freire, JP <[Freire.JP@epa.gov](mailto:Freire.JP@epa.gov)>; Graham, Amy <[graham.amy@epa.gov](mailto:graham.amy@epa.gov)>; Konkus, John <[konkus.john@epa.gov](mailto:konkus.john@epa.gov)>; Wilcox, Jahan <[wilcox.jahan@epa.gov](mailto:wilcox.jahan@epa.gov)>  
**Subject:** Fwd: Updated RSVP list

FYI- see below.

Sent from my iPhone

Begin forwarded message:

**From:** "Maria E. Thorbourne" <[mariat@stanford.edu](mailto:mariat@stanford.edu)>  
**Date:** May 17, 2017 at 11:03:35 AM EDT  
**To:** "Ferguson, Lincoln" <[ferguson.lincoln@epa.gov](mailto:ferguson.lincoln@epa.gov)>  
**Subject:** Updated RSVP list

Hi Lincoln,

Here is the most recent RSVP list. I don't anticipate this list changing much between today and tomorrow, but if it does, I will give you the additional registrants. I've identified the reporters who have registered below. There are 14, plus 1 more who said he'll be watching the live stream. I will be sending all the reporters a note today letting them know that there will be no Q&A or media availability after the event.

I did have one question for you -- we discussed reporters wearing specific media name tags and seating them in the same area. Do you have a preference as to where we seat them? Front of the room? Back of the room? Let me know.

Thanks so much,

Maria

Media registrants:

Jennifer Dlouhy - Bloomberg

David Schutlz - Bloomberg BNA

Mary Manley - Bloomberg BNA

Daniel Halper - Drudge Report

Emily Holden - E&E News

Nina Heikkinen - E&E News

Amanda Skibell - E&E News

Georgia Gustin - Inside Climate News

Scott Tong - Marketplace Radio

Jason Plautz - National Journal

Coral Davenport - New York Times

Alex Guillen - POLITICO

John Siciliano - Washington Examiner (will be watching live stream)

Elizabeth Harrington - Washington Free Beacon

Brady Dennis - Washington Post

Maria Thorbourne

Hoover Institution in Washington | Stanford University

(202) 760-3200

[mariat@stanford.edu](mailto:mariat@stanford.edu)

**To:** Hale, Michelle[hale.michelle@epa.gov]  
**Cc:** Hupp, Sydney[hupp.sydney@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]; Freire, JP[Freire.JP@epa.gov]; Ferguson, Lincoln[ferguson.lincoln@epa.gov]; Greenwalt, Sarah[greenwalt.sarah@epa.gov]; Hupp, Millan[hupp.millan@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Wed 4/26/2017 2:31:22 PM  
**Subject:** RE: Draft Itineraries for International Travel Meeting

Would like to walk through everything with Scott today but yes

**From:** Hale, Michelle  
**Sent:** Wednesday, April 26, 2017 10:21 AM  
**To:** Dravis, Samantha <dravis.samantha@epa.gov>  
**Cc:** Hupp, Sydney <hupp.sydney@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Freire, JP <Freire.JP@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Greenwalt, Sarah <greenwalt.sarah@epa.gov>; Hupp, Millan <hupp.millan@epa.gov>  
**Subject:** Re: Draft Itineraries for International Travel Meeting

Sam, will you be presenting the changes to her prior to Friday's meeting?

Sent from my iPhone

On Apr 26, 2017, at 9:40 AM, Dravis, Samantha <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)> wrote:

Taking Jane off the thread. There are already several things independently scheduled for Scott for all these days that I have set up and we are going to have to make significant changes to Jane's schedule.

**From:** Nishida, Jane  
**Sent:** Wednesday, April 26, 2017 9:10 AM  
**To:** Hupp, Sydney <[hupp.sydney@epa.gov](mailto:hupp.sydney@epa.gov)>; Hale, Michelle <[hale.michelle@epa.gov](mailto:hale.michelle@epa.gov)>  
**Cc:** Jackson, Ryan <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)>; Dravis, Samantha <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)>; Freire, JP <[Freire.JP@epa.gov](mailto:Freire.JP@epa.gov)>; Ferguson, Lincoln <[ferguson.lincoln@epa.gov](mailto:ferguson.lincoln@epa.gov)>; Greenwalt, Sarah <[greenwalt.sarah@epa.gov](mailto:greenwalt.sarah@epa.gov)>; Hupp, Millan <[hupp.millan@epa.gov](mailto:hupp.millan@epa.gov)>  
**Subject:** Draft Itineraries for International Travel Meeting

Sydney/Michelle,

Attached are draft itineraries for the Italy and Israel trips for the International Travel meeting with the Administrator on Friday. Please note there are two optional itineraries for Italy - one includes an audience with the Pope and one without. While the primary focus of the meeting will be to discuss the Italy itinerary, if we had time it would be good to discuss the Israel itinerary as well.

Please let me know if you have any questions or need additional information.

Thanks,

Jane

**To:** Ferguson, Lincoln[[ferguson.lincoln@epa.gov](mailto:ferguson.lincoln@epa.gov)]; Jackson, Ryan[[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)]  
**From:** Dravis, Samantha  
**Sent:** Wed 5/17/2017 3:48:15 PM  
**Subject:** RE: Updated RSVP list

## Ex. 5 - Deliberative Process

**From:** Ferguson, Lincoln  
**Sent:** Wednesday, May 17, 2017 11:42 AM  
**To:** Jackson, Ryan <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)>  
**Cc:** Dravis, Samantha <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)>  
**Subject:** Fwd: Updated RSVP list

## Ex. 5 - Deliberative Process

Sent from my iPhone

Begin forwarded message:

**From:** "Ferguson, Lincoln" <[ferguson.lincoln@epa.gov](mailto:ferguson.lincoln@epa.gov)>  
**Date:** May 17, 2017 at 11:19:09 AM EDT  
**To:** "Hupp, Millan" <[hupp.millan@epa.gov](mailto:hupp.millan@epa.gov)>, "Chmielewski, Kevin" <[chmielewski.kevin@epa.gov](mailto:chmielewski.kevin@epa.gov)>  
**Cc:** "Bowman, Liz" <[Bowman.Liz@epa.gov](mailto:Bowman.Liz@epa.gov)>, "Freire, JP" <[Freire.JP@epa.gov](mailto:Freire.JP@epa.gov)>, "Graham, Amy" <[graham.amy@epa.gov](mailto:graham.amy@epa.gov)>, "Konkus, John" <[konkus.john@epa.gov](mailto:konkus.john@epa.gov)>, "Wilcox, Jahan" <[wilcox.jahan@epa.gov](mailto:wilcox.jahan@epa.gov)>  
**Subject:** Fwd: Updated RSVP list

FYI- see below.

Sent from my iPhone

Begin forwarded message:

**From:** "Maria E. Thorbourne" <[mariat@stanford.edu](mailto:mariat@stanford.edu)>  
**Date:** May 17, 2017 at 11:03:35 AM EDT  
**To:** "Ferguson, Lincoln" <[ferguson.lincoln@epa.gov](mailto:ferguson.lincoln@epa.gov)>  
**Subject:** Updated RSVP list

Hi Lincoln,



Here is the most recent RSVP list. I don't anticipate this list changing much between today and tomorrow, but if it does, I will give you the additional registrants. I've identified the reporters who have registered below. There are 14, plus 1 more who said he'll be watching the live stream. I will be sending all the reporters a note today letting them know that there will be no Q&A or media availability after the event.

I did have one question for you -- we discussed reporters wearing specific media name tags and seating them in the same area. Do you have a preference as to where we seat them? Front of the room? Back of the room? Let me know.

Thanks so much,

Maria

Media registrants:

Jennifer Dlouhy - Bloomberg

David Schutlz - Bloomberg BNA

Mary Manley - Bloomberg BNA

Daniel Halper - Drudge Report

Emily Holden - E&E News

Nina Heikkinen - E&E News

Amanda Skibell - E&E News

Georgia Gustin - Inside Climate News

Scott Tong - Marketplace Radio

Jason Plautz - National Journal

Coral Davenport - New York Times

Alex Guillen - POLITICO

John Siciliano - Washington Examiner (will be watching live stream)

Elizabeth Harrington - Washington Free Beacon

Brady Dennis - Washington Post

Maria Thorbourne

Hoover Institution in Washington | Stanford University

(202) 760-3200

[mariat@stanford.edu](mailto:mariat@stanford.edu)

**To:** Tate Bennett[Ex. 6 - Personal Privacy] Bennett, Tate[Bennett.Tate@epa.gov]  
**Cc:** Jackson, Ryan[jackson.ryan@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Mon 4/10/2017 6:42:05 PM  
**Subject:** RE: WH Cabinet Affairs is asking for Pruitt's travel schedule

Oops sorry about that, Tate.

**From:** Tate Bennett [mailto:Ex. 6 - Personal Privacy]  
**Sent:** Monday, April 10, 2017 2:42 PM  
**To:** Dravis, Samantha <dravis.samantha@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>  
**Cc:** Jackson, Ryan <jackson.ryan@epa.gov>  
**Subject:** Re: WH Cabinet Affairs is asking for Pruitt's travel schedule

Adding my work email! Not sure how my personal landed there. Sydney should have a hard copy. Let me know the best way to handle.

Sent from my iPhone

On Apr 10, 2017, at 1:55 PM, Dravis, Samantha <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)> wrote:

**To:** Jackson, Ryan[jackson.ryan@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Wed 4/26/2017 2:30:02 PM  
**Subject:** FW: Resume for Ex. 6 - Personal Privacy Region 9

**Ex. 6 - Personal Privacy**

~~ATT00001.txt~~

This is the person that Scott said he wanted to consider for Region 9 Administrator.

He has already met with him.

**To:** Jackson, Ryan[jackson.ryan@epa.gov]  
**Cc:** Freire, JP[Freire.JP@epa.gov]; Ferguson, Lincoln[ferguson.lincoln@epa.gov]; Konkus, John[konkus.john@epa.gov]; Brown, Byron[brown.byron@epa.gov]; Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Sun 3/26/2017 1:15:50 PM  
**Subject:** Re:

I can't stand mark meadows

Sent from my iPhone

> On Mar 26, 2017, at 9:15 AM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

>

> This morning's shows are rough. We are the only bright spot.

>

> Ryan Jackson

> Chief of Staff

> U.S. EPA

> Ex. 6 - Personal Privacy

>

>> On Mar 26, 2017, at 9:12 AM, Dravis, Samantha <dravis.samantha@epa.gov> wrote:

>>

>> Ex. 5 - Deliberative Process

>>

>> Sent from my iPhone

>>

>>> On Mar 26, 2017, at 9:11 AM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

>>>

>>> Hey what if with all this healthcare stuff and the talk of moving to tax reform why if we put together a

**Ex. 5 - Deliberative Process**

>>>

>>> Ryan Jackson

>>> Chief of Staff

>>> U.S. EPA

>>> Ex. 6 - Personal Privacy

**To:** Bowman, Liz[Bowman.Liz@epa.gov]; Hale, Michelle[hale.michelle@epa.gov]  
**Cc:** Jackson, Ryan[jackson.ryan@epa.gov]; Hupp, Millan[hupp.millan@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Mon 5/8/2017 2:13:10 PM  
**Subject:** RE: RE: RE:

Per Rob, the blueline will take several days to process and he doesn't have any extra signing pens. He says Pruitt was given one, but AP says he didn't receive one!

-----Original Message-----

From: Bowman, Liz  
Sent: Monday, May 08, 2017 9:33 AM  
To: Hale, Michelle <hale.michelle@epa.gov>  
Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Hupp, Millan <hupp.millan@epa.gov>  
Subject: Re: RE: RE:

Yes, I will work w Ron on this.

Sent from my iPhone

> On May 8, 2017, at 9:32 AM, Hale, Michelle <hale.michelle@epa.gov> wrote:

>

> Okay, I'll take care of it. Liz, can you get me the NYT or Post photos for the Energy Exec. Order?  
Thanks.

>

> -----Original Message-----

> From: Jackson, Ryan

> Sent: Monday, May 8, 2017 9:11 AM

> To: Dravis, Samantha <dravis.samantha@epa.gov>

> Cc: Hale, Michelle <hale.michelle@epa.gov>; Hupp, Millan <hupp.millan@epa.gov>; Bowman, Liz  
<Bowman.Liz@epa.gov>

> Subject: Re: RE:

>

> Let's do this.

>

> Let's frame the wotus blue line with the picture in the Oval Office and the pen.

>

> Then let's frame the energy executive order with a copy of the pictures in the New York Times or wash  
post and if we get a pen we'll put that in it too.

>

> Yea.

>

> Ryan Jackson

> Chief of Staff

> U.S. EPA

> Ex. 6 - Personal Privacy

>

>> On May 8, 2017, at 9:06 AM, Dravis, Samantha <dravis.samantha@epa.gov> wrote:

>>

>> Hey RJ:

>>

>> Yes, he did get a blueline of the WOTUS EO, and it's in his desk drawer on the side. Rob did not give  
me a signing pen because he said that Pruitt already had one, but then when I asked Scott he said he  
didn't. So - I need to ask Rob again for one.

>>

>> The Energy Independence blueprint is still forthcoming.

>>

>>

>>

>> -----Original Message-----

>> From: Jackson, Ryan

>> Sent: Monday, May 08, 2017 9:03 AM

>> To: Hale, Michelle <hale.michelle@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Hupp, Millan <hupp.millan@epa.gov>

>> Subject:

>>

>> So did SP receive the blue lines of the Executive orders and one of the pens? I ask because I heard he did. We could frame them all with the wotus picture in the Oval Office to hang in his office?

>>

**To:** Jackson, Ryan[jackson.ryan@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Tue 3/14/2017 11:51:13 AM  
**Subject:** RE: FR Queue

I'll follow up on getting more info on all the pesticide tolerances and anything else non-routine so that we can meet tomorrow potentially. but I think things like a notification of a meeting of the SAB and solicitation of nominations for boards are more routine and we need to let those go. Some of those have a 15 day required public notice because of FACA.

**From:** Jackson, Ryan  
**Sent:** Tuesday, March 14, 2017 7:46 AM  
**To:** Dravis, Samantha <dravis.samantha@epa.gov>  
**Subject:** RE: FR Queue

I thought Sarah or someone from Policy was gathering information from the Program offices on the remaining items to inform what we are doing.

#### Ex. 5 - Deliberative Process

## Ex. 5 - Deliberative Process

**From:** Dravis, Samantha  
**Sent:** Tuesday, March 14, 2017 7:41 AM  
**To:** Jackson, Ryan <jackson.ryan@epa.gov>  
**Subject:** FR Queue

We still have a pretty significant backlog of items that need approval from the federal register queue. These include a lot of routine things like meeting notices, opening up public comment on various items, and quite a few items establishing various pesticide tolerances. We have already blown through some of the deadlines.

With you being gone tomorrow, are you okay with Byron, Schwab and I meeting on this and clearing out some of the backlog? I fear that with your time so limited right now with traveling with Pruitt, budget etc things are just going to languish.



Let me know, thank you! We can hold back things where we think there's an important policy implication if you like. Otherwise, I would recommend we set aside an hour this week to plow through things on the list.

**To:** Nishida, Jane[Nishida.Jane@epa.gov]  
**Cc:** Jackson, Ryan[jackson.ryan@epa.gov]; Ferguson, Lincoln[ferguson.lincoln@epa.gov]; Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]; Chmielewski, Kevin[chmielewski.kevin@epa.gov]; Hupp, Millan[hupp.millan@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Fri 6/2/2017 3:36:30 PM  
**Subject:** Re: G7

Thank you

Sent from my iPhone

On Jun 2, 2017, at 11:31 AM, Nishida, Jane <Nishida.Jane@epa.gov> wrote:

Sorry, sent you an earlier version – too many itineraries on my computer, here is the correct version from yesterday afternoon.

**From:** Dravis, Samantha  
**Sent:** Friday, June 02, 2017 11:26 AM  
**To:** Nishida, Jane <Nishida.Jane@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>  
**Cc:** Chmielewski, Kevin <chmielewski.kevin@epa.gov>; Hupp, Millan <hupp.millan@epa.gov>  
**Subject:** RE: G7

**Ex. 6 - Personal Privacy**

That is what I said yesterday needed to be included and you sent me a schedule yesterday at 6:20pm that had that included.

We have several big policy items we're trying to push out the door today and I can't really go back and forth with LL's office on this. The Administrator was clear that everything already scheduled by him should remain.

**From:** Nishida, Jane

**Sent:** Friday, June 02, 2017 10:53 AM

**To:** Jackson, Ryan <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)>; Dravis, Samantha <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)>; Ferguson, Lincoln <[ferguson.lincoln@epa.gov](mailto:ferguson.lincoln@epa.gov)>; Gunasekara, Mandy <[Gunasekara.Mandy@epa.gov](mailto:Gunasekara.Mandy@epa.gov)>

**Cc:** Chmielewski, Kevin <[chmielewski.kevin@epa.gov](mailto:chmielewski.kevin@epa.gov)>; Hupp, Millan <[hupp.millan@epa.gov](mailto:hupp.millan@epa.gov)>

**Subject:** RE: G7

Attached is the latest schedule for the Italy trip and the G7 agenda.

Lincoln is working on the talking points – we gave Lincoln rough drafts, but know they need reworking.

We have background papers for Rome and Bologna portions of the trip, but are waiting for talking points to complete the briefing books.

**From:** Jackson, Ryan

**Sent:** Friday, June 02, 2017 9:12 AM

**To:** Dravis, Samantha <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)>; Nishida, Jane <[Nishida.Jane@epa.gov](mailto:Nishida.Jane@epa.gov)>; Ferguson, Lincoln <[ferguson.lincoln@epa.gov](mailto:ferguson.lincoln@epa.gov)>; Gunasekara, Mandy <[Gunasekara.Mandy@epa.gov](mailto:Gunasekara.Mandy@epa.gov)>

**Cc:** Chmielewski, Kevin <[chmielewski.kevin@epa.gov](mailto:chmielewski.kevin@epa.gov)>; Hupp, Millan <[hupp.millan@epa.gov](mailto:hupp.millan@epa.gov)>

**Subject:** RE: G7

Ok.

Jane, can you circulate that to the group so that Lincoln can lead the work to prepare talking points to import in the notebook and Mandy can proof and contribute further?

Then we'll be finished with that.

**From:** Dravis, Samantha  
**Sent:** Friday, June 2, 2017 9:11 AM  
**To:** Jackson, Ryan <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)>; Nishida, Jane <[Nishida.Jane@epa.gov](mailto:Nishida.Jane@epa.gov)>;  
Ferguson, Lincoln <[ferguson.lincoln@epa.gov](mailto:ferguson.lincoln@epa.gov)>; Gunasekara, Mandy  
<[Gunasekara.Mandy@epa.gov](mailto:Gunasekara.Mandy@epa.gov)>  
**Cc:** Chmielewski, Kevin <[chmielewski.kevin@epa.gov](mailto:chmielewski.kevin@epa.gov)>; Hupp, Millan  
<[hupp.millan@epa.gov](mailto:hupp.millan@epa.gov)>  
**Subject:** RE: G7

The last schedule that Jane sent was good by me. Please let me know what if anything is needed schedule wise on my end.

**From:** Jackson, Ryan  
**Sent:** Friday, June 02, 2017 9:07 AM  
**To:** Nishida, Jane <[Nishida.Jane@epa.gov](mailto:Nishida.Jane@epa.gov)>; Dravis, Samantha  
<[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)>; Ferguson, Lincoln <[ferguson.lincoln@epa.gov](mailto:ferguson.lincoln@epa.gov)>; Gunasekara,  
Mandy <[Gunasekara.Mandy@epa.gov](mailto:Gunasekara.Mandy@epa.gov)>  
**Cc:** Chmielewski, Kevin <[chmielewski.kevin@epa.gov](mailto:chmielewski.kevin@epa.gov)>; Hupp, Millan  
<[hupp.millan@epa.gov](mailto:hupp.millan@epa.gov)>  
**Subject:** G7

We need to finalize the schedule for Rome and truncated schedule for the G7 so Lincoln and Mandy can contribute to Jane on talking points for the new notebook.

Ryan Jackson

Chief of Staff

U.S. Environmental Protection Agency

Ex. 6 - Personal Privacy

<EPA NOTIONAL AGENDA FOR ITALY (019).docx>

**To:** Jackson, Ryan[jackson.ryan@epa.gov]; Hale, Michelle[hale.michelle@epa.gov]; Hupp, Millan[hupp.millan@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Mon 5/8/2017 1:07:40 PM  
**Subject:** RE:

I am going over to WH today to meet with Mike C. -- Do you want me to try to get the pen and the 2nd blueline while I am over there today?

-----Original Message-----

From: Jackson, Ryan  
Sent: Monday, May 08, 2017 9:03 AM  
To: Hale, Michelle <hale.michelle@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Hupp, Millan <hupp.millan@epa.gov>  
Subject:

So did SP receive the blue lines of the Executive orders and one of the pens? I ask because I heard he did. We could frame them all with the wotus picture in the Oval Office to hang in his office?

**To:** Hupp, Sydney[hupp.sydney@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Thur 3/30/2017 11:50:42 AM  
**Subject:** HollyFrontier

I would like to attend HollyFrontier today.

Sent from my iPhone

**To:** Jackson, Ryan[jackson.ryan@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Wed 5/17/2017 1:32:15 PM  
**Subject:** RE:

Did you figure this out?

**From:** Jackson, Ryan  
**Sent:** Tuesday, May 16, 2017 5:25 PM  
**To:** Dravis, Samantha <dravis.samantha@epa.gov>  
**Subject:**

What is happening with 60 Minutes?

Ryan Jackson

Chief of Staff

U.S. Environmental Protection Agency

**Ex. 6 - Personal Privacy**



**To:** Jackson, Ryan[jackson.ryan@epa.gov]; Hale, Michelle[hale.michelle@epa.gov]; Hupp, Millan[hupp.millan@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Mon 5/8/2017 1:06:06 PM  
**Subject:** RE:

Hey RJ:

Yes, he did get a blueline of the WOTUS EO, and it's in his desk drawer on the side. Rob did not give me a signing pen because he said that Pruitt already had one, but then when I asked Scott he said he didn't. So - I need to ask Rob again for one.

The Energy Independence blueline is still forthcoming.

-----Original Message-----

From: Jackson, Ryan  
Sent: Monday, May 08, 2017 9:03 AM  
To: Hale, Michelle <hale.michelle@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Hupp, Millan <hupp.millan@epa.gov>  
Subject:

So did SP receive the blue lines of the Executive orders and one of the pens? I ask because I heard he did. We could frame them all with the wotus picture in the Oval Office to hang in his office?

**To:** Jackson, Ryan[jackson.ryan@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Sat 3/25/2017 10:30:12 PM  
**Subject:** Re: EO report to OMB

Yea buddy

Sent from my iPhone

> On Mar 25, 2017, at 6:16 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

>

> Rees. Well then perfect. It's done then subject to our review.

>

> Ryan Jackson

> Chief of Staff

> U.S. EPA

> **Ex. 6 - Personal Privacy**

>

>> On Mar 25, 2017, at 6:15 PM, Dravis, Samantha <dravis.samantha@epa.gov> wrote:

>>

>> Rees or Greenwalt? I think Sarah R left a couple reg memos on your desk to approve

>>

>> Sent from my iPhone

>>

>>> On Mar 25, 2017, at 6:11 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

>>>

>>> Perfect. Well since you mention it, Sarah is already on top of drafting the memo to the agency to implement that initial section. Because she's just that good.

>>>

>>> Ryan Jackson

>>> Chief of Staff

>>> U.S. EPA

>>> **Ex. 6 - Personal Privacy**

>>>

>>>> On Mar 25, 2017, at 6:02 PM, Gunasekara, Mandy <Gunasekara.Mandy@epa.gov> wrote:

>>>>

>>>> Works for me - we can bring in additional folks for review purposes if needed.

>>>>

>>>> -----Original Message-----

>>>> From: Dravis, Samantha

>>>> Sent: Saturday, March 25, 2017 4:08 PM

>>>> To: Jackson, Ryan <jackson.ryan@epa.gov>

>>>> Cc: **Ex. 6 - Personal Privacy**; Brown, Byron <brown.byron@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>

>>>> Subject: EO report to OMB

>>>>

>>>> Should we get a working group going on Section 1 of the EO that calls for a review of any agency rules that burden domestic energy and a report to OMB within 45 days?

**Ex. 5 - Deliberative Process**

>>>>

>>>> Sent from my iPhone

**To:** Jackson, Ryan[jackson.ryan@epa.gov]; Greenwalt, Sarah[greenwalt.sarah@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Mon 5/8/2017 12:59:07 PM  
**Subject:** RE: Akron, OH AIS Waiver

It is possible it actually was that far back. This latest thing was the subject of years of litigation, right?

**From:** Jackson, Ryan  
**Sent:** Monday, May 08, 2017 8:58 AM  
**To:** Greenwalt, Sarah <greenwalt.sarah@epa.gov>  
**Cc:** Dravis, Samantha <dravis.samantha@epa.gov>  
**Subject:** Re: Akron, OH AIS Waiver

Yeah this makes no sense. The requirement has been law for nearly 3 years from WRDA 2014 and is a rider on nearly every years appropriation bills.

Ryan Jackson

Chief of Staff

U.S. EPA

Ex. 6 - Personal Privacy

On May 8, 2017, at 8:56 AM, Greenwalt, Sarah <greenwalt.sarah@epa.gov> wrote:

That's what I've been told. Should I try to verify myself?

**Sarah A. Greenwalt**

Senior Advisor to the Administrator

for Water and Cross-Cutting Issues

U.S. Environmental Protection Agency

Work: 202-564-1722|Cell: Ex. 6 - Personal Privacy

Greenwalt.Sarah@epa.gov

**From:** Jackson, Ryan  
**Sent:** Monday, May 8, 2017 8:46 AM  
**To:** Greenwalt, Sarah <[greenwalt.sarah@epa.gov](mailto:greenwalt.sarah@epa.gov)>  
**Cc:** Dravis, Samantha <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)>  
**Subject:** Re: Akron, OH AIS Waiver

Was before 2 and a half years in the past?

Ryan Jackson

Chief of Staff

U.S. EPA

Ex. 6 - Personal Privacy

On May 8, 2017, at 8:45 AM, Greenwalt, Sarah <[greenwalt.sarah@epa.gov](mailto:greenwalt.sarah@epa.gov)> wrote:

Apparently no one noticed that the start date of the project was before the AIS requirement was in effect, meaning the City does not have to get an AIS waiver. Someone noticed that fact now and so City will be withdrawing their request for a waiver because it's no longer necessary. The project will go forward with the hooked reinforcements from overseas. No action needed from EPA.

**Sarah A. Greenwalt**

Senior Advisor to the Administrator

for Water and Cross-Cutting Issues

U.S. Environmental Protection Agency

Work: 202-564-1722|Cell: Ex. 6 - Personal Privacy

Greenwalt.Sarah@epa.gov

**From:** Jackson, Ryan  
**Sent:** Monday, May 8, 2017 8:42 AM  
**To:** Greenwalt, Sarah <[greenwalt.sarah@epa.gov](mailto:greenwalt.sarah@epa.gov)>  
**Cc:** Dravis, Samantha <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)>  
**Subject:** Re: Akron, OH AIS Waiver

I would. I'm unsure I understand your first point.

Ryan Jackson

Chief of Staff

U.S. EPA

Ex. 6 - Personal Privacy

On May 8, 2017, at 8:40 AM, Greenwalt, Sarah <[greenwalt.sarah@epa.gov](mailto:greenwalt.sarah@epa.gov)> wrote:

Ryan - Just in case you haven't heard, Akron's project start date was before the effective date of the AIS requirement so the City will be withdrawing their request for a waiver.

We do have three other AIS waiver requests. Have we made a decision on how to handle these going forward? I'm happy to provide materials on each if you'd like.

**Sarah A. Greenwalt**

Senior Advisor to the Administrator

for Water and Cross-Cutting Issues

U.S. Environmental Protection Agency

Work: 202-564-1722|Cell: Ex. 6 - Personal Privacy

[Greenwalt.Sarah@epa.gov](mailto:Greenwalt.Sarah@epa.gov)

**To:** Greenwalt, Sarah[greenwalt.sarah@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Tue 4/25/2017 12:25:51 PM  
**Subject:** RE: AIS Waiver

Ryan and Mike are going to talk this morning.

**From:** Greenwalt, Sarah  
**Sent:** Tuesday, April 25, 2017 7:43 AM  
**To:** Jackson, Ryan <jackson.ryan@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>  
**Subject:** AIS Waiver

Should we follow up with Mike on this today?

**Sarah A. Greenwalt**

Senior Advisor to the Administrator

for Water and Cross-Cutting Issues

U.S. Environmental Protection Agency

Work: 202-564-1722|Cell Ex. 6 - Personal Privacy

[Greenwalt.Sarah@epa.gov](mailto:Greenwalt.Sarah@epa.gov)

**To:** Jackson, Ryan[jackson.ryan@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]; Brown, Byron[brown.byron@epa.gov]; Freire, JP[Freire.JP@epa.gov]; Bowman, Liz[Bowman.Liz@epa.gov]; Graham, Amy[graham.amy@epa.gov]; Konkus, John[konkus.john@epa.gov]; Wilcox, Jahan[wilcox.jahan@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Wed 5/17/2017 1:16:40 PM  
**Subject:** RE: Gold Star

Hahaha.

She's just saying they gave us props, they liked our report. Haha.

-----Original Message-----

**From:** Jackson, Ryan  
**Sent:** Wednesday, May 17, 2017 9:16 AM  
**To:** Bolen, Brittany <bolen.brittany@epa.gov>; Brown, Byron <brown.byron@epa.gov>; Freire, JP <Freire.JP@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Graham, Amy <graham.amy@epa.gov>; Konkus, John <konkus.john@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>  
**Cc:** Dravis, Samantha <dravis.samantha@epa.gov>  
**Subject:** RE: Gold Star

What kind of award is this? Is this something which would be worthwhile to highlight social media wise or something short of an official release?

-----Original Message-----

**From:** Bolen, Brittany  
**Sent:** Wednesday, May 17, 2017 8:56 AM  
**To:** Jackson, Ryan <jackson.ryan@epa.gov>; Brown, Byron <brown.byron@epa.gov>  
**Cc:** Dravis, Samantha <dravis.samantha@epa.gov>  
**Subject:** Gold Star

Ryan, Byron - wanted to share some good news - we learned yesterday that OMB gave our Energy Independence EO Plan a gold star. They said ours was the best among all of the agency/department submissions.



**To:** Jackson, Ryan[jackson.ryan@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Mon 5/8/2017 12:17:30 PM  
**Subject:** FW: Packages with Ryan

**From:** Kavlock, Robert  
**Sent:** Wednesday, May 03, 2017 5:52 PM  
**To:** Dravis, Samantha <dravis.samantha@epa.gov>; Flynn, Mike <Flynn.Mike@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>  
**Cc:** Rees, Sarah <rees.sarah@epa.gov>; Burden, Susan <Burden.Susan@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Gentry, Nathan <Gentry.Nathan@epa.gov>  
**Subject:** RE: Packages with Ryan

Ok, would like to strategize on moving forward. Will have Nathan look for a time.

**From:** Dravis, Samantha  
**Sent:** Wednesday, May 03, 2017 5:25 PM  
**To:** Kavlock, Robert <Kavlock.Robert@epa.gov>; Flynn, Mike <Flynn.Mike@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>  
**Cc:** Rees, Sarah <rees.sarah@epa.gov>; Burden, Susan <Burden.Susan@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>  
**Subject:** RE: Packages with Ryan

Bob,

We did not discuss the members coming up for renewal in August, only the file that was before us today. Happy to have a meeting to discuss that further.

Best,

Samantha

**From:** Kavlock, Robert

**Sent:** Wednesday, May 03, 2017 4:25 PM

**To:** Dravis, Samantha <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)>; Flynn, Mike <[Flynn.Mike@epa.gov](mailto:Flynn.Mike@epa.gov)>; Bolen, Brittany <[bolen.brittany@epa.gov](mailto:bolen.brittany@epa.gov)>

**Cc:** Rees, Sarah <[rees.sarah@epa.gov](mailto:rees.sarah@epa.gov)>; Burden, Susan <[Burden.Susan@epa.gov](mailto:Burden.Susan@epa.gov)>; Jackson, Ryan <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)>

**Subject:** RE: Packages with Ryan

Samantha

Thanks for getting back to me.

It is unfortunate about the award as the staff did some great work on citizen science.

We will work with you on recruiting for the BOSC. I presume this decision will also impact those members coming up for renewal in August? It takes a while to go through the whole recruitment and vetting process, so it would be good to be able to plan for the future now.

Bob

**From:** Dravis, Samantha

**Sent:** Wednesday, May 03, 2017 3:56 PM

**To:** Flynn, Mike <[Flynn.Mike@epa.gov](mailto:Flynn.Mike@epa.gov)>; Bolen, Brittany <[bolen.brittany@epa.gov](mailto:bolen.brittany@epa.gov)>

**Cc:** Rees, Sarah <[rees.sarah@epa.gov](mailto:rees.sarah@epa.gov)>; Burden, Susan <[Burden.Susan@epa.gov](mailto:Burden.Susan@epa.gov)>; Jackson, Ryan <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)>; Kavlock, Robert <[Kavlock.Robert@epa.gov](mailto:Kavlock.Robert@epa.gov)>

**Subject:** RE: Packages with Ryan

**Importance:** High

Mike,

Brittany and I met both with ORD and with Ryan. The Administrator will **not** be moving forward at this time with the Kennedy School award or the re-appointment of the 9 BOSC members. We would like to re-open the nominations process for BOSC.

Ryan has indicated this in the notes sections of both files, which I will send back to you shortly. If you have any questions, let us know.

Thank you,

Samantha

**From:** Flynn, Mike

**Sent:** Friday, April 28, 2017 4:48 PM

**To:** Bolen, Brittany <[bolen.brittany@epa.gov](mailto:bolen.brittany@epa.gov)>

**Cc:** Rees, Sarah <[rees.sarah@epa.gov](mailto:rees.sarah@epa.gov)>; Burden, Susan <[Burden.Susan@epa.gov](mailto:Burden.Susan@epa.gov)>; Dravis, Samantha <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)>

**Subject:** RE: Packages with Ryan

Brittany,

Thanks so much for your quick response. It's fine to take additional time on these two packages since neither has a hard deadline today (there's no meeting of the BOSC next week). I agree that a short briefing with ORD on the BOSC would be very helpful to give you background and answer any questions. I'll ask folks to get that set up.

Thanks, and have a great weekend!

Mike

*Mike Flynn*

*Acting Deputy Administrator*

*U.S. Environmental Protection Agency*

*202-564-4711*

**From:** Bolen, Brittany  
**Sent:** Friday, April 28, 2017 3:14 PM  
**To:** Flynn, Mike <[Flynn.Mike@epa.gov](mailto:Flynn.Mike@epa.gov)>  
**Cc:** Rees, Sarah <[rees.sarah@epa.gov](mailto:rees.sarah@epa.gov)>; Burden, Susan <[Burden.Susan@epa.gov](mailto:Burden.Susan@epa.gov)>; Dravis, Samantha <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)>  
**Subject:** RE: Packages with Ryan

Hi Mike,

The packages are in Samantha's office. I understand the award does not have deadline today, so we will be needing additional time on that item. As for BOSC, I know several members have terms expiring today, but was there an open nomination process? Is there a meeting next week that requires a quorum of members which is driving the need to reappoint folks? Are there term limits? I wish we had a short briefing with ORD before making these sort of decisions.

Thanks,

Brittany

**From:** Flynn, Mike  
**Sent:** Friday, April 28, 2017 2:31 PM  
**To:** Bolen, Brittany <[bolen.brittany@epa.gov](mailto:bolen.brittany@epa.gov)>  
**Cc:** Rees, Sarah <[rees.sarah@epa.gov](mailto:rees.sarah@epa.gov)>; Burden, Susan <[Burden.Susan@epa.gov](mailto:Burden.Susan@epa.gov)>  
**Subject:** FW: Packages with Ryan

Hi Brittany,

The other day Ryan mentioned that he passed these packages onto you. Do you know what the status of these are? The current appointments to EPA's Board of Scientific Counselors (BOSC) expire today so ORD hoping to move forward soon – or they can provide any more information if needed. Thanks for your help.

Mike

*Mike Flynn*

*Acting Deputy Administrator*

*U.S. Environmental Protection Agency*

*202-564-4711*

**From:** Burden, Susan  
**Sent:** Tuesday, April 25, 2017 10:13 AM  
**To:** Flynn, Mike <[Flynn.Mike@epa.gov](mailto:Flynn.Mike@epa.gov)>  
**Subject:** Packages with Ryan

Hi Mike,

Here's some additional information on the two ORD packages that are with Ryan:

**Innovations in American Government Award**

● The Federal Community of Practice for Crowdsourcing and Citizen Science (CCS) is a finalist for the 2016-2017 Innovations in American Government Award

- [REDACTED] CCS works across the government to share lessons learned and develop best practices for designing, implementing, and evaluating crowdsourcing and citizen science initiatives. It promotes public engagement as a mechanism to address complex problems. EPA is co-chair of CCS.
- [REDACTED] The Innovations in American Government Awards, administered by Harvard University's Kennedy School of Government, is the nation's preeminent program devoted to recognizing and promoting excellence and creativity in the public sector. The program highlights exemplary models of government innovation and advances efforts to address the nation's most pressing public concerns.
- [REDACTED] To continue as a finalist, we need Administrator Pruitt to sign a form, which is what is with Ryan. It is in a red folder, with information on CCS and the award.

#### **EPA's Board of Scientific Counselors (BOSC)**

- [REDACTED] ORD has submitted a Federal Advisory Committee membership package for Administrator Pruitt's review and approval. The package proposes to reappoint nine members to EPA's Board of Scientific Counselors and appoint one current member to a chair position. ORD is also proposing to send thank you letters to four members whose terms are ending.
- [REDACTED] ORD is requesting review and approval prior to April 28, which is when the current appointments expire.
- [REDACTED] The BOSC provides advice, information, and recommendations to ORD on technical and management issues related to ORD's research programs. The BOSC is a discretionary Federal Advisory Committee.

If you can mention these to Ryan during your meeting with him this afternoon, that would be much appreciated!

Thanks,

Susan

Susan Burden, Ph.D.

Special Assistant (ORD, OCSPP, OCHP, SAB)

Office of the Administrator

U.S. Environmental Protection Agency

Office: (202) 564-6308

Cell: (202) 740-0169

**To:** Jackson, Ryan[jackson.ryan@epa.gov]  
**Cc:** Schwab, Justin[schwab.justin@epa.gov]; Brown, Byron[brown.byron@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Tue 3/14/2017 10:37:11 AM  
**Subject:** Re: Time Sensitive - North Coast FIP - Deadline Wednesday.

I'm on my way in, but it's pretty bad actually. May be just because they haven't plowed yet. It seems to be freezing rain on top of it.

Sent from my iPhone

On Mar 14, 2017, at 5:55 AM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

Sure but if folks aren't able to make it in generally then they can't. No worries and it's most important for folks to use their good judgment.

Ryan Jackson  
Chief of Staff  
U.S. EPA

Ex. 6 - Personal Privacy

On Mar 14, 2017, at 5:54 AM, Schwab, Justin <schwab.justin@epa.gov> wrote:

I should be able to assuming the red line is running. And I doubt snow/sleet will stop it

Sent from my iPhone

On Mar 14, 2017, at 5:53 AM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

We are planning to convene at 8. However I can absolutely understand folks not being able to get in.

Ryan Jackson  
Chief of Staff  
U.S. EPA

Ex. 6 - Personal Privacy

On Mar 14, 2017, at 5:47 AM, Schwab, Justin <schwab.justin@epa.gov> wrote:

OPM has announced a 3 hour delay - does that affect meeting or are we still convening at 8?

Sent from my iPhone



On Mar 14, 2017, at 5:15 AM, Jackson, Ryan <[jackson.ryaepa.gov](mailto:jackson.ryaepa.gov)> wrote:

Exactly.

We sees paper and starting talking about what he's like to see when sometimes that's already done.

Ryan Jackson  
Chief of Staff

U.S. EPA

Ex. 6 - Personal Privacy

On Mar 13, 2017, at 8:49 PM, Dravis, Samantha  
<[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)> wrote:

I will print the briefing materials in the morning just in case, but hopefully you can just talk him through it with no paper.

**From:** Jackson, Ryan  
**Sent:** Monday, March 13, 2017 8:22 PM  
**To:** Dravis, Samantha <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)>  
**Cc:** Brown, Byron <[brown.byron@epa.gov](mailto:brown.byron@epa.gov)>; Schwab, Justin  
<[schwab.justin@epa.gov](mailto:schwab.justin@epa.gov)>  
**Subject:** RE: Time Sensitive - North Coast FIP - Deadline  
Wednesday.

We need to talk with him in the morning. Justin will you attend the 8am with Pruitt?

**From:** Dravis, Samantha  
**Sent:** Monday, March 13, 2017 5:17 PM  
**To:** Jackson, Ryan <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)>  
**Cc:** Brown, Byron <[brown.byron@epa.gov](mailto:brown.byron@epa.gov)>; Schwab, Justin

<[schwab.justin@epa.gov](mailto:schwab.justin@epa.gov)>

**Subject:** Time Sensitive - North Coast FIP - Deadline Wednesday.

**Importance:** High

RJ:

This is the same issue that we raised this morning on the North Coast FIP – I had them re-work the briefing material hopefully to Scott's liking.

However, as you know this is very time sensitive. We need to get a decision on it hopefully tonight, or perhaps in the morning.

## Ex. 5 - Deliberative Process

Can you get this in front of him, should I print it for the meeting?  
Let me know how you want to handle.

Samantha

**From:** Minoli, Kevin

**Sent:** Monday, March 13, 2017 5:07 PM

**To:** Jackson, Ryan <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)>; Dravis, Samantha <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)>; Brown, Byron <[brown.byron@epa.gov](mailto:brown.byron@epa.gov)>; Schwab, Justin <[schwab.justin@epa.gov](mailto:schwab.justin@epa.gov)>

**Cc:** Schmidt, Lorie <[Schmidt.Lorie@epa.gov](mailto:Schmidt.Lorie@epa.gov)>

**Subject:** RE: Clean Version of the Paper on North Coast FIP

Sorry about that. Please try this paper. Kevin

**Kevin S. Minoli**

**Acting General Counsel**

**Office of General Counsel**

**US Environmental Protection Agency**

**Main Office Line: 202-564-8040**

**From:** Minoli, Kevin

**Sent:** Monday, March 13, 2017 5:04 PM

**To:** Jackson, Ryan <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)>; Dravis, Samantha <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)>; Brown, Byron <[brown.byron@epa.gov](mailto:brown.byron@epa.gov)>; Schwab, Justin <[schwab.justin@epa.gov](mailto:schwab.justin@epa.gov)>

**Cc:** Schmidt, Lorie ([Schmidt.Lorie@epa.gov](mailto:Schmidt.Lorie@epa.gov)) <[Schmidt.Lorie@epa.gov](mailto:Schmidt.Lorie@epa.gov)>

**Subject:** Clean Version of the Paper on North Coast FIP

Hi Folks- Attached is a clean version of a briefing paper for the Administrator regarding the requested FIP for the North Coast AQMD. We are happy to answer any questions he or any of you may have on the matter. Thanks, Kevin

**Kevin S. Minoli**

**Acting General Counsel**

**Office of General Counsel**

**US Environmental Protection Agency**

**Main Office Line: 202-564-8040**

**To:** Jackson, Ryan[jackson.ryan@epa.gov]; Nishida, Jane[Nishida.Jane@epa.gov]; Ferguson, Lincoln[ferguson.lincoln@epa.gov]; Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]  
**Cc:** Chmielewski, Kevin[chmielewski.kevin@epa.gov]; Hupp, Millan[hupp.millan@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Fri 6/2/2017 1:17:12 PM  
**Subject:** RE: G7

Happy to help you with talking points as well.

**From:** Jackson, Ryan  
**Sent:** Friday, June 02, 2017 9:12 AM  
**To:** Dravis, Samantha <dravis.samantha@epa.gov>; Nishida, Jane <Nishida.Jane@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>  
**Cc:** Chmielewski, Kevin <chmielewski.kevin@epa.gov>; Hupp, Millan <hupp.millan@epa.gov>  
**Subject:** RE: G7

Ok.

Jane, can you circulate that to the group so that Lincoln can lead the work to prepare talking points to import in the notebook and Mandy can proof and contribute further?

Then we'll be finished with that.

**From:** Dravis, Samantha  
**Sent:** Friday, June 2, 2017 9:11 AM  
**To:** Jackson, Ryan <jackson.ryan@epa.gov>; Nishida, Jane <Nishida.Jane@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>  
**Cc:** Chmielewski, Kevin <chmielewski.kevin@epa.gov>; Hupp, Millan <hupp.millan@epa.gov>

**Subject:** RE: G7

The last schedule that Jane sent was good by me. Please let me know what if anything is needed schedule wise on my end.

**From:** Jackson, Ryan

**Sent:** Friday, June 02, 2017 9:07 AM

**To:** Nishida, Jane <[Nishida.Jane@epa.gov](mailto:Nishida.Jane@epa.gov)>; Dravis, Samantha <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)>; Ferguson, Lincoln <[ferguson.lincoln@epa.gov](mailto:ferguson.lincoln@epa.gov)>; Gunasekara, Mandy <[Gunasekara.Mandy@epa.gov](mailto:Gunasekara.Mandy@epa.gov)>

**Cc:** Chmielewski, Kevin <[chmielewski.kevin@epa.gov](mailto:chmielewski.kevin@epa.gov)>; Hupp, Millan <[hupp.millan@epa.gov](mailto:hupp.millan@epa.gov)>

**Subject:** G7

We need to finalize the schedule for Rome and truncated schedule for the G7 so Lincoln and Mandy can contribute to Jane on talking points for the new notebook.

Ryan Jackson

Chief of Staff

U.S. Environmental Protection Agency

Ex. 6 - Personal Privacy

**To:** Jackson, Ryan[jackson.ryan@epa.gov]; Konkus, John[konkus.john@epa.gov]  
**Cc:** Brown, Byron[brown.byron@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Tue 3/7/2017 6:24:05 PM  
**Subject:** RE: Draft CERA Remarks

He had a cameo in Ted 2

**From:** Jackson, Ryan  
**Sent:** Tuesday, March 7, 2017 1:23 PM  
**To:** Konkus, John <konkus.john@epa.gov>  
**Cc:** Dravis, Samantha <dravis.samantha@epa.gov>; Brown, Byron <brown.byron@epa.gov>  
**Subject:** Re: Draft CERA Remarks

Nice job john. Really nice F Scott Fitzgerald quotes. Nice weave.

Have you seen ted 2?

Ryan Jackson

Chief of Staff

U.S. EPA

Ex. 6 - Personal Privacy

On Mar 7, 2017, at 12:55 PM, Konkus, John <[konkus.john@epa.gov](mailto:konkus.john@epa.gov)> wrote:

First draft attached in both outline and card format.

<CERA Speech Outline.docx>

<CERA Speech Card.docx>

**To:** Bowman, Liz[Bowman.Liz@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Wed 3/29/2017 9:02:24 PM  
**Subject:** RE: For Ray Review: Updated Release w USDA Quote

## Ex. 5 - Deliberative Process

**From:** Bowman, Liz  
**Sent:** Wednesday, March 29, 2017 5:02 PM  
**To:** Jackson, Ryan <jackson.ryan@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>  
**Subject:** RE: For Ray Review: Updated Release w USDA Quote

## Ex. 5 - Deliberative Process

**From:** Jackson, Ryan  
**Sent:** Wednesday, March 29, 2017 5:01 PM  
**To:** Bowman, Liz <Bowman.Liz@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>  
**Subject:** RE: For Ray Review: Updated Release w USDA Quote

## Ex. 5 - Deliberative Process

**From:** Bowman, Liz  
**Sent:** Wednesday, March 29, 2017 4:58 PM  
**To:** Jackson, Ryan <jackson.ryan@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>  
**Subject:** RE: For Ray Review: Updated Release w USDA Quote

## Ex. 5 - Deliberative Process

**From:** Jackson, Ryan



**Sent:** Wednesday, March 29, 2017 4:52 PM  
**To:** Bowman, Liz <[Bowman.Liz@epa.gov](mailto:Bowman.Liz@epa.gov)>; Dravis, Samantha <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)>  
**Subject:** RE: For Ray Review: Updated Release w USDA Quote

Ok. As long as we have a foundation for that from a fellow chemical person. I trust you.

**From:** Bowman, Liz  
**Sent:** Wednesday, March 29, 2017 4:51 PM  
**To:** Jackson, Ryan <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)>; Dravis, Samantha <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)>  
**Subject:** RE: For Ray Review: Updated Release w USDA Quote

Well, the stuff I had said it was, but I wrote "one of" to be sure...

**From:** Jackson, Ryan  
**Sent:** Wednesday, March 29, 2017 4:51 PM  
**To:** Dravis, Samantha <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)>; Bowman, Liz <[Bowman.Liz@epa.gov](mailto:Bowman.Liz@epa.gov)>  
**Subject:** RE: For Ray Review: Updated Release w USDA Quote

This is great.

Most widely used in the world? That's true?

**From:** Dravis, Samantha  
**Sent:** Wednesday, March 29, 2017 4:46 PM  
**To:** Bowman, Liz <[Bowman.Liz@epa.gov](mailto:Bowman.Liz@epa.gov)>  
**Cc:** Jackson, Ryan <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)>  
**Subject:** RE: For Ray Review: Updated Release w USDA Quote

He said go with it, I think. Text him

**From:** Bowman, Liz  
**Sent:** Wednesday, March 29, 2017 4:44 PM  
**To:** Dravis, Samantha <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)>  
**Cc:** Jackson, Ryan <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)>  
**Subject:** RE: For Ray Review: Updated Release w USDA Quote

It may not, I just was double checking. I think JP is editing it now, but we have it t-ed up and ready to go out, as soon as JP gives the go.

**From:** Dravis, Samantha  
**Sent:** Wednesday, March 29, 2017 4:43 PM  
**To:** Bowman, Liz <[Bowman.Liz@epa.gov](mailto:Bowman.Liz@epa.gov)>  
**Cc:** Jackson, Ryan <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)>  
**Subject:** RE: For Ray Review: Updated Release w USDA Quote

Why does this need legal approval? RJ are you good with this?

**From:** Bowman, Liz  
**Sent:** Wednesday, March 29, 2017 4:03 PM  
**To:** Dravis, Samantha <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)>  
**Subject:** RE: For Ray Review: Updated Release w USDA Quote

Are you with him/JP? I hadn't heard from him. Who is the legal person that I should run this by?

**From:** Dravis, Samantha  
**Sent:** Wednesday, March 29, 2017 4:01 PM  
**To:** Bowman, Liz <[Bowman.Liz@epa.gov](mailto:Bowman.Liz@epa.gov)>; Freire, JP <[Freire.JP@epa.gov](mailto:Freire.JP@epa.gov)>  
**Cc:** Konkus, John <[konkus.john@epa.gov](mailto:konkus.john@epa.gov)>  
**Subject:** RE: For Ray Review: Updated Release w USDA Quote

Ray approved this

**From:** Bowman, Liz

**Sent:** Wednesday, March 29, 2017 3:55 PM

**To:** Freire, JP <[Freire.JP@epa.gov](mailto:Freire.JP@epa.gov)>

**Cc:** Dravis, Samantha <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)>; Konkus, John <[konkus.john@epa.gov](mailto:konkus.john@epa.gov)>

**Subject:** RE: For Ray Review: Updated Release w USDA Quote

**Importance:** High

Updated with USDA Quote for joint release. Please let us know if you hear back from anyone reviewing. Do you think we could add “With Support from USDA, Admin....” Into the headline, to show it’s a joint release? Or is that too much? I considered a sub-head, but I think the quote speaks for itself...

## Ex. 5 - Deliberative Process

# **Ex. 5 - Deliberative Process**

###

**To:** Jackson, Ryan[jackson.ryan@epa.gov]  
**Cc:** Brown, Byron[brown.byron@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Fri 5/5/2017 11:13:47 PM  
**Subject:** Re: Administrator Pruitt's Meeting with Ivanka Trump on Monday

Hmm. I will do some searching

Sent from my iPhone

> On May 5, 2017, at 6:27 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:  
>  
> Get a load of this.  
>  
> I don't even halfway know how to respond to the 3rd question. Any suggestions on where someone  
could help me find some information?  
>  
>  
>

> -----Original Message-----

> From: McGinley, William J. EOP/WHO [mailto:**Ex. 6 - Personal Privacy**]  
> Sent: Friday, May 5, 2017 5:19 PM  
> To: Jackson, Ryan <jackson.ryan@epa.gov>  
> Subject: Administrator Pruitt's Meeting with Ivanka Trump on Monday

>  
> Ryan,

> On Monday, May 8, 2017, Administrator Pruitt is scheduled to meet with Ivanka Trump. Ms. Trump is  
very supportive of Administrator Pruitt and the mission of your department or agency.

>  
> In addition, **Ex. 5 - Deliberative Process**

## Ex. 5 - Deliberative Process

> Please provide this information to us no later than 5 PM on Saturday, May 6, 2017. We appreciate your  
assistance with this information and Ms. Trump is looking forward to the meeting with Administrator Pruitt.

>  
> Best,  
> Bill  
>  
> William J. McGinley

> Cabinet Secretary

> The White House

> Cell: Ex. 6 - Personal Privacy

E:

**Ex. 6 - Personal Privacy**

>

>

**To:** Jackson, Ryan[jackson.ryan@epa.gov]; Munoz, Charles[munoz.charles@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]; Brown, Byron[brown.byron@epa.gov]; Lyons, Troy[lyons.troy@epa.gov]; Freire, JP[Freire.JP@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Mon 4/24/2017 5:10:57 PM  
**Subject:** RE: Weekly Cabinet-Level Department/Agency Policy and Scheduling Reports

Yes, I will make myself available to meet **Ex. 5 - Deliberative Process**  
**Ex. 5 - Deliberative Process**

**From:** Jackson, Ryan  
**Sent:** Monday, April 24, 2017 1:06 PM  
**To:** Munoz, Charles <munoz.charles@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Brown, Byron <brown.byron@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Freire, JP <Freire.JP@epa.gov>  
**Subject:** Fwd: Weekly Cabinet-Level Department/Agency Policy and Scheduling Reports

So this has been coming I guess.

I'm out today as you may know from all the emails but I was thinking that Charles could handle getting this to the WH if we help him on it. He already does the daily calls with WH to advise them about what's going on with us in a very top line way.

We have sometime to chew on this, but it is a good exercise organizing. Maybe we meet on it Friday?

Ryan Jackson

Chief of Staff

U.S. EPA

**Ex. 6 - Personal Privacy**

Begin forwarded message:

**From:** "McGinley, William J. EOP/WHO" < > **Ex. 6 - Personal Privacy**

**Date:** April 24, 2017 at 11:12:20 AM CDT

**To:** "McGinley, William J. EOP/WHO" <[REDACTED]> **Ex. 6 - Personal Privacy**

**Cc:** "Porter, Robert R. EOP/WHO" <[REDACTED]> **Ex. 6 - Personal Privacy**

**Subject:** Weekly Cabinet-Level Department/Agency Policy and Scheduling Reports

Greetings,

## **Ex. 5 - Deliberative Process**



Thank you in advance for participating in this important program.

Please do not hesitate to contact us with any questions.

Best,  
Bill

William J. McGinley  
Cabinet Secretary  
The White House

Cell: Ex. 6 - Personal Privacy E: **Ex. 6 - Personal Privacy**

**To:** Jackson, Ryan[jackson.ryan@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Wed 5/17/2017 10:58:47 AM  
**Subject:** Re:

No idea.. is it on?

Sent from my iPad

On May 16, 2017, at 5:25 PM, Jackson, Ryan <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)> wrote:

What is happening with 60 Minutes?

Ryan Jackson

Chief of Staff

U.S. Environmental Protection Agency

Ex. 6 - Personal Privacy

**To:** Jackson, Ryan[jackson.ryan@epa.gov]  
**Cc:** Bolen, Brittany[bolen.brittany@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Thur 5/4/2017 11:53:50 PM  
**Subject:** Re: reminder for tomorrow

I am having some trouble connecting at home. I will make sure there are copies there, but Byron and Sarah never emailed me their updates.

Sent from my iPhone

On May 4, 2017, at 7:31 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

Will you bring multiple copies of the regulatory spreadsheet you created?

Or just email me a copy and I'll make a number of copies?

**From:** Jackson, Ryan  
**Sent:** Thursday, May 4, 2017 7:30 PM  
**To:** Munoz, Charles <munoz.charles@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Brown, Byron <brown.byron@epa.gov>; Freire, JP <Freire.JP@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Graham, Amy <graham.amy@epa.gov>; Konkus, John <konkus.john@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Greenwalt, Sarah <greenwalt.sarah@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Kelly, Albert <kelly.albert@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>; Beck, Nancy <beck.nancy@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>; Davis, Patrick <davis.patrick@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>  
**Cc:** Hupp, Sydney <hupp.sydney@epa.gov>  
**Subject:** reminder for tomorrow

Thanks.

**From:** Jackson, Ryan  
**Sent:** Wednesday, May 3, 2017 7:55 PM  
**To:** Munoz, Charles <munoz.charles@epa.gov>; Dravis, Samantha

<[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)>; Brown, Byron <[brown.byron@epa.gov](mailto:brown.byron@epa.gov)>; Freire, JP  
<[Freire.JP@epa.gov](mailto:Freire.JP@epa.gov)>; Bowman, Liz <[Bowman.Liz@epa.gov](mailto: Bowman.Liz@epa.gov)>; Graham, Amy  
<[graham.amy@epa.gov](mailto:graham.amy@epa.gov)>; Konkus, John <[konkus.john@epa.gov](mailto:konkus.john@epa.gov)>; Ferguson, Lincoln  
<[ferguson.lincoln@epa.gov](mailto:ferguson.lincoln@epa.gov)>; Greenwalt, Sarah <[greenwalt.sarah@epa.gov](mailto:greenwalt.sarah@epa.gov)>; Gunasekara,  
Mandy <[Gunasekara.Mandy@epa.gov](mailto:Gunasekara.Mandy@epa.gov)>; Kelly, Albert <[kelly.albert@epa.gov](mailto:kelly.albert@epa.gov)>; Schwab,  
Justin <[schwab.justin@epa.gov](mailto:schwab.justin@epa.gov)>; Fotouhi, David <[fotouhi.david@epa.gov](mailto:fotouhi.david@epa.gov)>; Beck, Nancy  
<[beck.nancy@epa.gov](mailto:beck.nancy@epa.gov)>; Lyons, Troy <[lyons.troy@epa.gov](mailto:lyons.troy@epa.gov)>; Bennett, Tate  
<[Bennett.Tate@epa.gov](mailto:Bennett.Tate@epa.gov)>; Davis, Patrick <[davis.patrick@epa.gov](mailto:davis.patrick@epa.gov)>; Bolen, Brittany  
<[bolen.brittany@epa.gov](mailto:bolen.brittany@epa.gov)>

**Cc:** Hupp, Sydney <[hupp.sydney@epa.gov](mailto:hupp.sydney@epa.gov)>

**Subject:**

Will you hold 9am to meet Friday morning around the Administrator's table for an  
organizational meeting?

Ryan Jackson

Chief of Staff

U.S. Environmental Protection Agency

Ex. 6 - Personal Privacy

**To:** Jackson, Ryan[jackson.ryan@epa.gov]; Bowman, Liz[Bowman.Liz@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Wed 3/29/2017 9:01:25 PM  
**Subject:** RE: For Ray Review: Updated Release w USDA Quote

## Ex. 5 - Deliberative Process

**From:** Jackson, Ryan  
**Sent:** Wednesday, March 29, 2017 5:01 PM  
**To:** Bowman, Liz <Bowman.Liz@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>  
**Subject:** RE: For Ray Review: Updated Release w USDA Quote

## Ex. 5 - Deliberative Process

**From:** Bowman, Liz  
**Sent:** Wednesday, March 29, 2017 4:58 PM  
**To:** Jackson, Ryan <jackson.ryan@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>  
**Subject:** RE: For Ray Review: Updated Release w USDA Quote

## Ex. 5 - Deliberative Process

**From:** Jackson, Ryan  
**Sent:** Wednesday, March 29, 2017 4:52 PM  
**To:** Bowman, Liz <Bowman.Liz@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>  
**Subject:** RE: For Ray Review: Updated Release w USDA Quote

Ok. As long as we have a foundation for that from a fellow chemical person. I trust you.

**From:** Bowman, Liz  
**Sent:** Wednesday, March 29, 2017 4:51 PM

**To:** Jackson, Ryan <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)>; Dravis, Samantha <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)>  
**Subject:** RE: For Ray Review: Updated Release w USDA Quote

Well, the stuff I had said it was, but I wrote “one of” to be sure...

**From:** Jackson, Ryan  
**Sent:** Wednesday, March 29, 2017 4:51 PM  
**To:** Dravis, Samantha <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)>; Bowman, Liz <[Bowman.Liz@epa.gov](mailto:Bowman.Liz@epa.gov)>  
**Subject:** RE: For Ray Review: Updated Release w USDA Quote

This is great.

Most widely used in the world? That’s true?

**From:** Dravis, Samantha  
**Sent:** Wednesday, March 29, 2017 4:46 PM  
**To:** Bowman, Liz <[Bowman.Liz@epa.gov](mailto:Bowman.Liz@epa.gov)>  
**Cc:** Jackson, Ryan <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)>  
**Subject:** RE: For Ray Review: Updated Release w USDA Quote

He said go with it, I think. Text him

**From:** Bowman, Liz  
**Sent:** Wednesday, March 29, 2017 4:44 PM  
**To:** Dravis, Samantha <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)>  
**Cc:** Jackson, Ryan <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)>  
**Subject:** RE: For Ray Review: Updated Release w USDA Quote

It may not, I just was double checking. I think JP is editing it now, but we have it t-ed up and ready to go out, as soon as JP gives the go.

**From:** Dravis, Samantha  
**Sent:** Wednesday, March 29, 2017 4:43 PM  
**To:** Bowman, Liz <[Bowman.Liz@epa.gov](mailto:Bowman.Liz@epa.gov)>  
**Cc:** Jackson, Ryan <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)>  
**Subject:** RE: For Ray Review: Updated Release w USDA Quote

Why does this need legal approval? RJ are you good with this?

**From:** Bowman, Liz  
**Sent:** Wednesday, March 29, 2017 4:03 PM  
**To:** Dravis, Samantha <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)>  
**Subject:** RE: For Ray Review: Updated Release w USDA Quote

Are you with him/JP? I hadn't heard from him. Who is the legal person that I should run this by?

**From:** Dravis, Samantha  
**Sent:** Wednesday, March 29, 2017 4:01 PM  
**To:** Bowman, Liz <[Bowman.Liz@epa.gov](mailto:Bowman.Liz@epa.gov)>; Freire, JP <[Freire.JP@epa.gov](mailto:Freire.JP@epa.gov)>  
**Cc:** Konkus, John <[konkus.john@epa.gov](mailto:konkus.john@epa.gov)>  
**Subject:** RE: For Ray Review: Updated Release w USDA Quote

Ray approved this

**From:** Bowman, Liz  
**Sent:** Wednesday, March 29, 2017 3:55 PM  
**To:** Freire, JP <[Freire.JP@epa.gov](mailto:Freire.JP@epa.gov)>  
**Cc:** Dravis, Samantha <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)>; Konkus, John <[konkus.john@epa.gov](mailto:konkus.john@epa.gov)>  
**Subject:** RE: For Ray Review: Updated Release w USDA Quote  
**Importance:** High

Updated with USDA Quote for joint release. Please let us know if you hear back from anyone reviewing. Do you think we could add “With Support from USDA, Admin....” Into the headline, to show it’s a joint release? Or is that too much? I considered a sub-head, but I think the quote speaks for itself...

## **Ex. 5 - Deliberative Process**



# **Ex. 5 - Deliberative Process**

###

**To:** Dickerson, Aaron[dickerson.aaron@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]; Hupp, Sydney[hupp.sydney@epa.gov]; Chmielewski, Kevin[chmielewski.kevin@epa.gov]; Freire, JP[Freire.JP@epa.gov]; Bennett, Tate[Bennett.Tate@epa.gov]; Lyons, Troy[lyons.troy@epa.gov]; Richardson, RobinH[Richardson.RobinH@epa.gov]; Wilcox, Jahan[wilcox.jahan@epa.gov]; Hupp, Millan[hupp.millan@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Tue 5/16/2017 5:10:31 PM  
**Subject:** RE: Administrator's Meeting and Speaking Requests

My two cents:

## Ex. 5 - Deliberative Process

### Ex. 5 - Deliberative Process

Thanks!

Samantha

**From:** Dickerson, Aaron  
**Sent:** Monday, May 15, 2017 5:56 PM  
**To:** Jackson, Ryan <jackson.ryan@epa.gov>; Hupp, Sydney <hupp.sydney@epa.gov>; Chmielewski, Kevin <chmielewski.kevin@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Freire, JP <Freire.JP@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Hupp, Millan <hupp.millan@epa.gov>  
**Subject:** Administrator's Meeting and Speaking Requests

As a follow-up to Friday's scheduling meeting, attached is a chart and a copy of the invitation/information we have received thus far for meeting and speaking requests from July 23-October 2. Ryan wanted your input as you may know some of these requestors and since the majority of these requests are not in DC, we also need to come up with a travel plan for the Administrator.

Aaron Dickerson

Office of the Administrator

U.S. EPA

Phone: 202-564-1783

Fax: 202-501-1338

**To:** Jackson, Ryan[jackson.ryan@epa.gov]  
**Cc:** Konkus, John[konkus.john@epa.gov]; Ex. 6 - JP Freire personal email Ferguson, Lincoln[ferguson.lincoln@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Thur 3/16/2017 1:21:21 AM  
**Subject:** RE: RE: RE:

## Ex. 5 - Deliberative Process

**From:** Jackson, Ryan  
**Sent:** Wednesday, March 15, 2017 9:20 PM  
**To:** Dravis, Samantha <dravis.samantha@epa.gov>  
**Cc:** Konkus, John <konkus.john@epa.gov> Ex. 6 - JP Freire personal email Ferguson, Lincoln <ferguson.lincoln@epa.gov>  
**Subject:** Re: RE: RE:

## Ex. 5 - Deliberative Process

Ryan Jackson

Chief of Staff

U.S. EPA

Ex. 6 - Personal Privacy

On Mar 15, 2017, at 8:14 PM, Dravis, Samantha <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)> wrote:

## Ex. 5 - Deliberative Process

**From:** Jackson, Ryan  
**Sent:** Wednesday, March 15, 2017 9:14 PM  
**To:** Dravis, Samantha <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)>  
**Cc:** Konkus, John <[konkus.john@epa.gov](mailto:konkus.john@epa.gov)> Ex. 6 - JP Freire personal email Ferguson, Lincoln <[ferguson.lincoln@epa.gov](mailto:ferguson.lincoln@epa.gov)>

**Subject:** Re: RE:

## Ex. 5 - Deliberative Process

Ryan Jackson

Chief of Staff

U.S. EPA

Ex. 6 - Personal Privacy

On Mar 15, 2017, at 7:54 PM, Dravis, Samantha <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)> wrote:

I am making some edits and I will get them to you in next hour, but I think you need to totally re-work this

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

## Ex. 5 - Deliberative Process

This needs wholesale revisions.

**From:** Konkus, John

**Sent:** Wednesday, March 15, 2017 8:44 PM

**To:** Dravis, Samantha <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)>

**Cc:** Ex. 6 - JP Freire personal email; Ferguson, Lincoln <[ferguson.lincoln@epa.gov](mailto:ferguson.lincoln@epa.gov)>

**Subject:** Re:

Let me take a look when I get home

On Mar 15, 2017, at 8:36 PM, Dravis, Samantha <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)> wrote:

Please kill me. I can't get used to this Dell laptop. My track changes are not tracking.. did you guys lock editing on this or something??

Samantha Dravis

Senior Counsel / Associate Administrator for Policy

U.S. Environmental Protection Agency

**To:** Threet, Derek[Threet.Derek@epa.gov]; Lyons, Troy[lyons.troy@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]  
**Cc:** Jackson, Ryan[jackson.ryan@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Tue 5/16/2017 5:07:18 PM  
**Subject:** RE: For Review: Colorado River Basin Salinity Control Advisory Board 2016 Annual Report

Thank you, Derek.

**From:** Threet, Derek  
**Sent:** Tuesday, May 16, 2017 10:04 AM  
**To:** Dravis, Samantha <dravis.samantha@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>  
**Cc:** Jackson, Ryan <jackson.ryan@epa.gov>  
**Subject:** For Review: Colorado River Basin Salinity Control Advisory Board 2016 Annual Report

Samantha, Troy and Brittany,

On May 8<sup>th</sup>, Region 8 mentioned in the Senior Staff meeting that it forwarded a response letter to the transmittal of the 2016 Annual Report on the Colorado River Basin Salinity Control Program for the Administrator's signature. Ryan would like both OP and OCIR to be aware and to review the attached documents in light of the Administration change.

Attached are:

- 1) A background of the Colorado River Basin Salinity Control Advisory Council;
- 2) EPA specific information from the 2016 Annual Report;
- 3) The response letter submitted by Region 8 for the Administrator's signature; and
- 4) The complete 2016 Annual Report.

Please review and let me know if there any concerns I should let Ryan know about.

When you complete your review, please let me know, so I can either forward the package to the Administrator for signature, or have it revised based on your feedback. Please note, a response was requested by May 10, 2017.

Thanks.

Derek

\*\*\*\*\*

Derek Jason Threet, Special Assistant

Office of the Administrator (OW, OECA, OEI, OCFO & OIG)

U.S. Environmental Protection Agency

1200 Pennsylvania Ave, N.W.

Washington, D.C. 20004

Telephone: (202) 564-1409

Office Cell Phone: Ex. 6 - Personal Privacy



**To:** Jackson, Ryan[jackson.ryan@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Thur 5/4/2017 1:04:56 AM  
**Subject:** Re:

Yes of course. Will you not be here Friday ?

Sent from my iPhone

On May 3, 2017, at 7:55 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

Will you hold 9am to meet Friday morning around the Administrator's table for an organizational meeting?

Ryan Jackson

Chief of Staff

U.S. Environmental Protection Agency

Ex. 6 - Personal Privacy

**To:** Jackson, Ryan[jackson.ryan@epa.gov]  
**Cc:** Konkus, John[konkus.john@epa.gov]; **Ex. 6 - JP Freire personal email** Ferguson, Lincoln[ferguson.lincoln@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Thur 3/16/2017 1:20:29 AM  
**Subject:** RE: RE: RE:

Got it

**From:** Jackson, Ryan  
**Sent:** Wednesday, March 15, 2017 9:20 PM  
**To:** Dravis, Samantha <dravis.samantha@epa.gov>  
**Cc:** Konkus, John <konkus.john@epa.gov>; **Ex. 6 - JP Freire personal email** Ferguson, Lincoln <ferguson.lincoln@epa.gov>  
**Subject:** Re: RE: RE:

## Ex. 5 - Deliberative Process

Ryan Jackson

Chief of Staff

U.S. EPA

### Ex. 6 - Personal Privacy

On Mar 15, 2017, at 8:14 PM, Dravis, Samantha <dravis.samantha@epa.gov> wrote:

## Ex. 5 - Deliberative Process

**From:** Jackson, Ryan  
**Sent:** Wednesday, March 15, 2017 9:14 PM  
**To:** Dravis, Samantha <dravis.samantha@epa.gov>  
**Cc:** Konkus, John <konkus.john@epa.gov>; **Ex. 6 - JP Freire personal email** Ferguson, Lincoln <ferguson.lincoln@epa.gov>  
**Subject:** Re: RE:

## Ex. 5 - Deliberative Process

Ryan Jackson

Chief of Staff

U.S. EPA

Ex. 6 - Personal Privacy

On Mar 15, 2017, at 7:54 PM, Dravis, Samantha <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)> wrote:

I am making some edits and I will get them to you in next hour, but I think you need to totally re-work this

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

## Ex. 5 - Deliberative Process

This needs wholesale revisions.

**From:** Konkus, John

**Sent:** Wednesday, March 15, 2017 8:44 PM

**To:** Dravis, Samantha <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)>

**Cc:** Ex. 6 - JP Freire personal email Ferguson, Lincoln <[ferguson.lincoln@epa.gov](mailto:ferguson.lincoln@epa.gov)>

**Subject:** Re:

Let me take a look when I get home

On Mar 15, 2017, at 8:36 PM, Dravis, Samantha <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)> wrote:

Please kill me. I can't get used to this Dell laptop. My track changes are not tracking.. did you guys lock editing on this or something??

Samantha Dravis

Senior Counsel / Associate Administrator for Policy

U.S. Environmental Protection Agency

**To:** Jackson, Ryan[jackson.ryan@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Tue 3/7/2017 3:53:26 PM  
**Subject:** RE: Proposed FR Notice Announcing Review of ORD Draft Integrated Science Assessment

## Ex. 5 - Deliberative Process

# Ex. 5 - Deliberative Process

**From:** Jackson, Ryan  
**Sent:** Tuesday, March 7, 2017 10:31 AM  
**To:** Dravis, Samantha <dravis.samantha@epa.gov>  
**Subject:** Re: Proposed FR Notice Announcing Review of ORD Draft Integrated Science Assessment

## Ex. 5 - Deliberative Process

Ryan Jackson

Chief of Staff

U.S. EPA

### Ex. 6 - Personal Privacy

On Mar 7, 2017, at 9:24 AM, Dravis, Samantha <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)> wrote:

Are you okay with moving forward on this?

**From:** Connors, Sandra  
**Sent:** Tuesday, March 7, 2017 10:00 AM  
**To:** Dravis, Samantha <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)>  
**Cc:** Schnare, David <[schnare.david@epa.gov](mailto:schnare.david@epa.gov)>; Flynn, Mike <[Flynn.Mike@epa.gov](mailto:Flynn.Mike@epa.gov)>;  
Kenny, Shannon <[Kenny.Shannon@epa.gov](mailto:Kenny.Shannon@epa.gov)>  
**Subject:** Proposed FR Notice Announcing Review of ORD Draft Integrated Science Assessment

Samantha – Good morning and welcome to EPA!

As you are working through the backlog of FR notices, David Schnare asked that I share with you this ORD submission to publish for external review and comment a draft Integrated Science Assessment (ISA) for Oxides of Nitrogen Oxides of Sulfur and Particulate Matter – Ecological Criteria. This report updates previously published 2008/2009 ISAs. The request to move forward with publication in the FR was originally vetted with Don Benton several weeks ago, and then subsequently reviewed with David over the last week. While David has not reviewed the entire document, he has indicated he is comfortable with proceeding to take comment on this extensive report.

The public comment will feed into a public meeting of the Clean Air Scientific Advisory Committee (CASAC) on May 24-25. ORD is eager to get this published given the length of the document and the need to provide the comments in advance to the CASAC members. Sarah Rees has been extremely helpful in navigating the FR process and is aware of this submission.

Sandra

---

Sandra L. Connors  
Senior Advisor

Office of the Administrator  
US Environmental Protection Agency  
1200 Pennsylvania Avenue, Room 3411  
Washington, DC 20460  
(202)564-4231

[connors.sandra@epa.gov](mailto:connors.sandra@epa.gov)



**To:** Freire, JP[Freire.JP@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Tue 5/16/2017 5:04:42 PM  
**Subject:** RE: Someone to think about for science advisors or boards

Thanks JP! I would encourage him to go through the nomination process for BOSC or SAB or any of the committees if he is so inclined. Can you do that? Brittany can provide more info on the process.

**From:** Freire, JP  
**Sent:** Tuesday, May 16, 2017 11:13 AM  
**To:** Jackson, Ryan <jackson.ryan@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>  
**Subject:** Someone to think about for science advisors or boards

## Ex. 5 - Deliberative Process

J.P. Freire

Associate Administrator for Public Affairs

Environmental Protection Agency

Mobile: Ex. 6 - Personal Privacy



**To:** Jackson, Ryan[jackson.ryan@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Tue 5/16/2017 2:17:25 PM  
**Subject:** RE:

I have an 11am with API, but if you really need me then Brittany can probably staff it?

-----Original Message-----

From: Jackson, Ryan  
Sent: Tuesday, May 16, 2017 10:15 AM  
To: Dravis, Samantha <dravis.samantha@epa.gov>  
Subject:

Can you sit in the 11am Bossie meeting?

Ryan Jackson  
Chief of Staff  
U.S. EPA

Ex. 6 - Personal Privacy

**To:** Dickerson, Aaron[dickerson.aaron@epa.gov]; Hale, Michelle[hale.michelle@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]  
**Cc:** Konkus, John[konkus.john@epa.gov]; Brown, Byron[brown.byron@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Tue 3/7/2017 2:09:57 PM  
**Subject:** RE: CERA

Why does this say Kansas City to Tulsa on it?

-----Original Message-----

From: Dickerson, Aaron  
Sent: Tuesday, March 7, 2017 8:23 AM  
To: Hale, Michelle <hale.michelle@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>  
Cc: Dravis, Samantha <dravis.samantha@epa.gov>; Konkus, John <konkus.john@epa.gov>; Brown, Byron <brown.byron@epa.gov>  
Subject: RE: CERA

Here is the draft trip schedule. Will have an updated version later today.  
Samantha/John - if you can send me the run of show from the call you had with Daniel Yergin, I will add to schedule.

Thanks.

-----Original Message-----

From: Hale, Michelle  
Sent: Tuesday, March 7, 2017 8:15 AM  
To: Jackson, Ryan <jackson.ryan@epa.gov>; Dickerson, Aaron <dickerson.aaron@epa.gov>  
Cc: Dravis, Samantha <dravis.samantha@epa.gov>; Konkus, John <konkus.john@epa.gov>; Brown, Byron <brown.byron@epa.gov>  
Subject: Re: CERA

Aaron, please provide the schedule for CERA. Thank you.

Sent from my iPhone

> On Mar 7, 2017, at 7:56 AM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:  
>  
> Samantha can you confirm the format for CERA? The schedule shows him at 12:45 to 2 with a moderator. I'm sure it includes q&a but is it the whole time?

## Ex. 5 - Deliberative Process

> Finally, I know we have a lot of requests for meetings that day. Do we have a line up schedule for Thursday yet?  
>  
> Ryan Jackson  
> Chief of Staff  
> U.S. EPA  
> Ex. 6 - Personal Privacy

**To:** Jackson, Ryan[jackson.ryan@epa.gov]; Greenwalt, Sarah[greenwalt.sarah@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Mon 5/15/2017 1:21:55 PM  
**Subject:** Fwd: OMB - steam electric

Sent from my iPhone

Begin forwarded message:

**From:** "Rees, Sarah" <rees.sarah@epa.gov>  
**Date:** May 15, 2017 at 9:16:20 AM EDT  
**To:** "Dravis, Samantha" <dravis.samantha@epa.gov>, "Bolen, Brittany" <bolen.brittany@epa.gov>, "Schwab, Justin" <schwab.justin@epa.gov>, "Fotouhi, David" <fotouhi.david@epa.gov>, "Brown, Byron" <brown.byron@epa.gov>  
**Cc:** "Owens, Nicole" <Owens.Nicole@epa.gov>, "Nickerson, William" <Nickerson.William@epa.gov>  
**Subject:** OMB - steam electric

Hi folks - we finally heard from OMB on this. Note that we sent the package over as a courtesy before noon on Wednesday and didn't hear until late Friday.

Ex. 5 - Deliberative Process

## Ex. 5 - Deliberative Process

Let me know if you have concerns with this approach.

-----Original Message-----

**From:** Dorjets, Vlad EOP/OMB [mailto: ] Ex. 6 - Personal Privacy  
**Sent:** Friday, May 12, 2017 6:35 PM  
**To:** Owens, Nicole <Owens.Nicole@epa.gov>  
**Cc:** Rees, Sarah <rees.sarah@epa.gov>; Laity, Jim A. EOP/OMB  
Ex. 6 - Personal Privacy  
**Subject:** RE: steam electric postponement  
**Importance:** High

Nicole,

I just got off the phone with DOJ about this action and we think the best course of action is

## Ex. 5 - Deliberative Process

# Ex. 5 - Deliberative Process

Vlad

-----Original Message-----

From: Owens, Nicole [mailto:[Owens.Nicole@epa.gov](mailto:Owens.Nicole@epa.gov)]

Sent: Wednesday, May 10, 2017 11:33 AM

To: Laity, Jim A. EOP/OMB <[Jim.Laity@epa.gov](mailto:Jim.Laity@epa.gov)> **Ex. 6 - Personal Privacy** Dorjets, Vlad EOP/OMB

**Ex. 6 - Personal Privacy**

Cc: Rees, Sarah <[rees.sarah@epa.gov](mailto:rees.sarah@epa.gov)>

Subject: steam electric postponement

Hello Jim and Vlad –

Attached, for a courtesy review, is the most recent draft of the steam electric postponement of compliance date action. As you know, EPA would like to move this forward very quickly, so if I can facilitate answering any questions you have or set-up any conversations with our OGC, please let me know.

Thanks,

Nicole

**To:** Jackson, Ryan[jackson.ryan@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Sun 5/14/2017 10:24:11 PM  
**Subject:** Re: Preparing your travel plans in Italy

## Ex. 5 - Deliberative Process

Sent from my iPhone

On May 14, 2017, at 6:16 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

## Ex. 5 - Deliberative Process

**From:** Dravis, Samantha  
**Sent:** Sunday, May 14, 2017 5:47 PM  
**To:** Jackson, Ryan <jackson.ryan@epa.gov>  
**Subject:** Fwd: Preparing your travel plans in Italy

## Ex. 5 - Deliberative Process

Begin forwarded message:

**From:** "Kime, Robin" <Kime.Robin@epa.gov>  
**Date:** May 14, 2017 at 2:27:14 PM EDT  
**To:** "Dravis, Samantha" <dravis.samantha@epa.gov>  
**Subject:** Re: Preparing your travel plans in Italy

First Reggie Allen approves for AO then OITA.

Sent from my iPhone

On May 14, 2017, at 2:24 PM, Dravis, Samantha <dravis.samantha@epa.gov> wrote:

Who approves the travel?

Sent from my iPhone

On May 14, 2017, at 2:23 PM, Kime, Robin <Kime.Robin@epa.gov> wrote:

I don't want to hold up the trip approval, will you let me know what you

think about this tomorrow? Thanks

Sent from my iPhone

Begin forwarded message:

**From:** "Kime, Robin" <[Kime.Robin@epa.gov](mailto:Kime.Robin@epa.gov)>  
**Date:** May 12, 2017 at 8:41:23 AM EDT  
**To:** "Dravis, Samantha" <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)>  
**Subject:** Preparing your travel plans in Italy

We are finalizing the paperwork for yours and Sarah's Italy trip since the itinerary needs to be officially approved by OITA. One question came back to us

**Ex. 5 - Deliberative Process**

## **Ex. 5 - Deliberative Process**

**To:** Reeder, John[Reeder.John@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]; Kime, Robin[Kime.Robin@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Wed 3/29/2017 6:14:31 PM  
**Subject:** Chlorpyrifos - TIME SENSITIVE

All,

# Ex. 5 - Deliberative Process

Thanks for your attention to this.

Samantha

**To:** Jackson, Ryan[jackson.ryan@epa.gov]; Konkus, John[konkus.john@epa.gov]; Brown, Byron[brown.byron@epa.gov]  
**Cc:** Hale, Michelle[hale.michelle@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Tue 3/7/2017 1:54:38 PM  
**Subject:** RE: CERA

I told Yergin that he would give about ten minutes of remarks, followed by 10-15 minutes of moderated questioning by Yergin - no audience questions.

## Ex. 5 - Deliberative Process

-----Original Message-----

**From:** Jackson, Ryan  
**Sent:** Tuesday, March 7, 2017 7:56 AM  
**To:** Dravis, Samantha <dravis.samantha@epa.gov>; Konkus, John <konkus.john@epa.gov>; Brown, Byron <brown.byron@epa.gov>  
**Cc:** Hale, Michelle <hale.michelle@epa.gov>  
**Subject:** CERA

Samantha can you confirm the format for CERA? The schedule shows him at 12:45 to 2 with a moderator. I'm sure it includes q&a but is it the whole time?

## Ex. 5 - Deliberative Process

Finally, I know we have a lot of requests for meetings that day. Do we have a line up schedule for Thursday yet?

Ryan Jackson  
Chief of Staff  
U.S. EPA

Ex. 6 - Personal Privacy



**To:** Jackson, Ryan[jackson.ryan@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Sun 5/14/2017 9:48:27 PM  
**Subject:** Re: Can we meet tomorrow morning at 9:30 am in the Administrator's office?

I have a **Ex. 6 - Personal Privacy** that I have rescheduled several times unfortunately so I think Britney would have to cover this for me tomorrow. I'm sorry

Sent from my iPhone

On May 14, 2017, at 5:13 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

Ryan Jackson

Chief of Staff

U.S. Environmental Protection Agency

**Ex. 6 - Personal Privacy**

**To:** Bowman, Liz[Bowman.Liz@epa.gov]  
**Cc:** Jackson, Ryan[jackson.ryan@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Wed 3/29/2017 2:36:34 PM  
**Subject:** RE: For Ray Review: Updated Release

Ok we need to hold on sending out the release until Scott signs and its filed.. ill head down now to do that

**From:** Bowman, Liz  
**Sent:** Wednesday, March 29, 2017 10:36 AM  
**To:** Dravis, Samantha <dravis.samantha@epa.gov>  
**Cc:** Jackson, Ryan <jackson.ryan@epa.gov>  
**Subject:** RE: For Ray Review: Updated Release

Yes, we will coordinate w USDA and JP is going to send over to Ray.

**From:** Dravis, Samantha  
**Sent:** Wednesday, March 29, 2017 10:30 AM  
**To:** Bowman, Liz <Bowman.Liz@epa.gov>  
**Cc:** Jackson, Ryan <jackson.ryan@epa.gov>  
**Subject:** FW: For Ray Review: Updated Release

Liz, Tee this up with the appropriate change and I am going to take the order to sign over to Scott.

Ryan suggests we do a joint release with USDA. Can you coordinate this?

**From:** Starling, Ray A. EOP/WHO [mailto:[Ray.Starling@epa.gov](mailto:Ray.Starling@epa.gov)]  
**Sent:** Wednesday, March 29, 2017 10:27 AM  
**To:** Dravis, Samantha <dravis.samantha@epa.gov>  
**Subject:** Re: For Ray Review: Updated Release

**Ex. 6 - Personal Privacy**

**Ex. 5 - Deliberative Process** Shoot me the filing when you can.

(No comma needed after parenthetical USDA.)

Ray A. Starling

Special Assistant to the President

National Economic Council

On Mar 29, 2017, at 10:21 AM, Dravis, Samantha <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)> wrote:

## **Ex. 5 - Deliberative Process**

**From:** Bowman, Liz

**Sent:** Wednesday, March 29, 2017 10:19 AM

**To:** Freire, JP <[Freire.JP@epa.gov](mailto:Freire.JP@epa.gov)>

**Cc:** Dravis, Samantha <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)>; Konkus, John  
<[konkus.john@epa.gov](mailto:konkus.john@epa.gov)>

**Subject:** For Ray Review: Updated Release

## **Ex. 5 - Deliberative Process**

# **Ex. 5 - Deliberative Process**

###

**To:** Jackson, Ryan[jackson.ryan@epa.gov]  
**Cc:** Hupp, Sydney[hupp.sydney@epa.gov]; Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]; Perrotta, Pasquale[Perrotta.Pasquale@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Thur 6/1/2017 11:47:46 AM  
**Subject:** Re: Morning Energy: Trump's final Paris decision comes today at 3 p.m. — States, cities look at filling climate void — Dakota Access begins shipping today

RJ, we need to figure out who we are going to take over there for the ceremony. We will have to get everyone cleared in through waves

Sent from my iPhone

On Jun 1, 2017, at 5:59 AM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

Well so here's the deal. 3pm.

We'll need to block 2 to 4 for this I think and have him over there before the 3pm. I'll gather more info on specifics.

I guess we are getting the final rose at the boardroom scene at 3. Something like that.

---

Ryan Jackson  
Chief of Staff  
U.S. EPA

Ex. 6 - Personal Privacy

Begin forwarded message:

**From:** "POLITICO Pro Energy" <politicoemail@politicopro.com>  
**Date:** June 1, 2017 at 5:44:40 AM EDT  
**To:** <jackson.ryan@epa.gov>  
**Subject:** Morning Energy: Trump's final Paris decision comes today at 3 p.m. — States, cities look at filling climate void — Dakota Access begins shipping today  
**Reply-To:** "POLITICO subscriptions" <reply-fe901276736d067d77-630326\_HTML-786581600-1376319-0@politicoemail.com>

By Anthony Adragna | 06/01/2017 05:42 AM EDT

*With help from Esther Whieldon*

**DECISION DAY:** In a scene that could come straight from reality TV, President Donald Trump today will announce his decision on whether to abandon the 2015

landmark Paris climate agreement today at 3 p.m. in the Rose Garden, he tweeted Wednesday night. Withdrawing from the pact would honor his campaign pledge to "cancel" the deal, but go against the wishes of vast swathes of the U.S. business community, many of his own aides and the international community. Three officials tell POLITICO's Andrew Restuccia and Josh Dawsey that Trump plans to pull out of the deal, though they noted he could still change his mind at the last minute.

Trump's decision comes after months of internal clashes between Trump's warring factions of advisers spilled into the open with a rush of leaks Wednesday, Andrew and Josh report. And if Trump follows through and withdraws, as expected, opponents of the agreement will have to thank the months-long effort by White House strategist Steve Bannon and EPA Administrator Scott Pruitt to play to his populist instincts and publicly push the narrative the accord was effectively dead. One White House official said the president's team was furiously working on an announcement of the withdrawal on Wednesday.

Some aides were still clinging to hope late Wednesday that Trump may change course and stay in the deal, while drastically scaling back the Obama administration's non-binding carbon cleanup promises, in line with a plan they had previously pushed. Trump had not officially told his entire team of senior aides he was considering leaving the agreement Wednesday when news leaked out, and administration officials cautioned against definitive reporting, warning that the president is notoriously fickle.

**Takeaway from one former U.S. official:** "Will global leaders trust the U.S. to negotiate a climate treaty ever again? After Kyoto and Paris, who will trust us to keep our word as a nation? Our credibility is gone."

**Meanwhile, cities and states aren't waiting:** Talks are just getting off the ground but several states, municipalities, and business leaders are in early discussions to create a carbon reduction agreement to replace the cuts that Trump is expected to eliminate, Pro's Eric Wolff reports. Potentially modeled after the "Nationally Determined Contributions" nations submitted to join the Paris agreement, the possible reduction pledge would help show the international community that climate action continues in the U.S. "It is really important to the international community to understand to avoid a knock-on effect of U.S. withdrawal on the actions of other countries," a source working to facilitate the conversations told Eric. Meanwhile, a group of West Coast Democratic lawmakers urged the governors of California, Washington and Oregon to keep pursuing climate policies to "send a signal" to the international community absent federal action.

**California not pleased:** Gov. Jerry Brown didn't mince words in calling Trump's intent to withdraw from the Paris accord "outrageous" while predicting its effects would be short-lived, POLITICO California's David Siders reports. "I think Trump, paradoxically, is giving climate denial such a bad name that he's actually building the very movement that he is [purporting] to undermine," Brown said in an interview. "You can't fight reality with a tweet."

**More European reverberations:** European Commission President Jean-Claude Juncker warned Trump about the consequences of following through on withdrawing from the Paris deal, POLITICO Europe's Kalina Oroschakoff [reports](#). "I am a trans-Atlanticist, but if the American president said in the next hours or days that he wants to get out of the Paris climate deal, then it is the duty of Europe to say, 'No, that's not how it works,'" Juncker said at an event in Berlin. "Eighty-three countries run into danger of disappearing from the surface of the Earth if we don't resolutely start the fight against climate change."

**Clinton weighs in too:** Trump's election rival, Hillary Clinton, said it would be "really stupid" and "totally incomprehensible" to squander the economic opportunities that arise from addressing climate change if the administration withdraws from the pact. "The President is a very impulsive, reactive personality," she said at the [Code Conference](#) in California. "So if we all like the Paris Agreement, he may decide to get out of it. Not even understanding one bit about what that means."

**But it's worth taking a step back** to remember that regardless of the fate of Paris, Trump has been busy chipping away at Obama's climate policies. Your Pro Energy team looks at all the ways he's already taken shots at Obama's green legacy [here](#).

**Carper invokes Exxon vote:** Top Senate EPW Democrat [Tom Carper](#) urged Trump to look at the fact that more than 62 percent of Exxon Mobil shareholders on Wednesday [called](#) for the company to assess how climate change and global efforts to limit temperature increases will affect its business as he mulls the fate of the Paris deal. "President Trump should take note of what happened today as he decides the fate of our country's participation in the Paris Climate Agreement," he said in a statement. "We should seize the economic opportunities that come from combating climate change, not cede our role as a global leader."

**Greens gather today:** Environmental groups, including [350.org](#), Sierra Club, Natural Resources Defense Council, Peoples Climate Movement, NextGen Climate and the Center for American Progress Action Fund, are holding a rally outside the White House today at 5 p.m. in support of the Paris accord. The Sierra Club said more than 20,000 people have already called the White House to voice their opposition to withdrawal.

**WELCOME TO THURSDAY!** I'm your host Anthony Adragna, and congrats to Van Ness Feldman's Jonathan Simon for being first out of the box to correctly guess there are six non-voting members of the House (D.C., Guam, Puerto Rico, U.S. Virgin Islands, Northern Mariana Islands and American Samoa). For today: Who was D.C.'s first modern delegate in Congress? Send your tips, energy gossip and comments to [aadragna@politico.com](mailto:aadragna@politico.com), or follow us on Twitter [@AnthonyAdragna](#), [@Morning\\_Energy](#), and [@POLITICOPro](#).

**CATANZARO GIVEN ETHICS WAIVER:** The White House has granted an ethics

waiver for energy aide Mike Catanzaro, a former partner at CGCN Group LLC, to participate in matters related to EPA's Clean Power Plan, waters of the U.S. rule and methane regulations. His past clients include Devon Energy, an Oklahoma oil and gas company close to Pruitt, and he has lobbied on behalf of the American Fuel and Petrochemical Manufacturers and the American Chemistry Council, among others. Catanzaro's is one of more than a dozen waivers quietly released Wednesday night after a dust up between the Office of Government Ethics and White House, which initially refused to disclose them.

**DAKOTA ACCESS BEGINS SHIPPING TODAY:** The hotly-contested Dakota Access pipeline is expected to begin shipping North Dakota oil today to a distribution point in Illinois, the Associated Press reports. That comes even as the North Dakota Public Service Commission plans to look later this summer at whether the pipeline's developer, Energy Transfer Partners, violated state rules during its construction.

**GROUP SEEKS REVIEW OF HARLEY SETTLEMENT:** The free-market Cause of Action Institute is taking aim at a settlement the Obama administration reached with Harley-Davidson over after-market "super tuner" devices the company sold to boost motorcycles' performance that allegedly led to Clean Air Act Violations. The August 2016 settlement with EPA required the motorcycle manufacturer to fund a program to replace or retrofit wood-burning stoves with cleaner appliances. But Cause of Action says that approach violates the agency's own guidance, and the group says Pruitt ought to take another look at the settlement. "EPA is overstepping its authority by requiring Harley-Davidson to implement an emissions mitigation project that lacks such a sufficient nexus to the underlying violation," the group wrote today in a letter to Pruitt, along with a FOIA request for documents related to the settlement negotiations.

**ORDER AIMS AT BOOSTING ALASKAN ENERGY PRODUCTION:** Interior Secretary Ryan Zinke signed an order Wednesday calling for a review of opportunities to increase oil drilling in Alaska. He directed Interior to examine whether oil production can increase in the National Petroleum Reserve in Alaska and assess how much oil and gas could be extracted from a piece of the Arctic National Wildlife Refuge, Pro's Ben Lefebvre reports. Officials have 31 days to develop a plan to implement his order. Zinke signed the order following a speech at an Alaska Oil and Gas Association conference in Anchorage. "Rules should be based on science and best practice not on arbitrariness," he said.

**Alaska's congressional delegation** hailed the move. "This Secretarial Order is exactly the type of announcement that so many Alaskans have been asking for: a smart, timely step to restore access to our lands, throughput to our Trans-Alaska Pipeline, and growth to our economy under reasonable regulations that do not sacrifice environmental protections," Senate Energy Chairman Lisa Murkowski said in a statement.

**As for Paris**, Zinke sidestepped a question on the climate change agreement that's on everyone's mind this week. Zinke told reporters in Alaska that he has "yet to read what



the actual Paris agreement is," and declined to weigh in without having a chance to "sit down and read" it, the Associated Press [reports](#).

**RUSSIA LATEST COMPLICATION IN FILLING VACANCIES:** Some potential federal appointees are having second thoughts about executive branch appointments given the ongoing investigations into the Trump campaign's ties with Russia, POLITICO's Andrew Restuccia and Josh Dawsey [report](#). "You're going to have a situation where they're going to have trouble getting A-list or even B-list people to sign up," one lawyer advising potential appointees said. The administration has announced nominees for just 117 of the 559 most-important Senate-confirmed positions.

**CASSIDY DOWNPLAYS PROPOSED EPA CUTS:** Louisiana Sen. [Bill Cassidy](#) told attendees of a Covington, La. town hall meeting Tuesday that "EPA is not being dismantled" despite Trump's proposed cut of one-third of the agency's budget and efforts to roll back landmark Obama-era regulations addressing climate change and water quality, among other issues. "Certainly there are regulations being rolled back," Cassidy said. "But the Clean Water Act is still in place. There will not be mercury spewing out. All those regulations are still in place." (h/t Pro Health Care's Jennifer Haberkorn)

**PERRY'S MOVE TOWARD JAPAN:** Energy Secretary Rick Perry kicks off a week-long trip to Asia today. He'll stop in Japan and China. Stops include a trip to the Fukushima Daiichi nuclear site where Perry will look at efforts to recover from the 2011 earthquake and participation in the 8<sup>th</sup> Annual Clean Energy and Mission Innovation Ministerials in Beijing where energy ministers from around the world discuss clean energy efforts.

**EPA BOOSTS EAST CHICAGO EFFORTS:** Fresh off a visit to the East Chicago, Ind., Superfund site, Pruitt ordered a dedicated community coordinator deployed to the area of the contaminated site and vowed the agency would monthly community meetings to provide updates on cleanup progress. "We will take a more hands-on approach to ensure proper oversight and attention to the Superfund program at the highest levels of the agency," he said in a statement. More information is available [here](#).

**ZINKE TO FOCUS ON FOREST FIRES FRIDAY:** Zinke and Agriculture Secretary Sonny Perdue will spend Friday in Boise, Idaho — the home of the National Interagency Fire Center — where the two will likely talk about forest fires and prevention techniques. The secretaries will also [speak](#) at Boise State University in the morning.

**WATCHDOG QUESTIONS IF TILLERSON VIOLATED ETHICS PLEDGE:** A nonprofit watchdog group launched to track the Trump administration's activities is questioning whether Secretary of State Rex Tillerson violated his ethics pledge. The group, American Oversight, is raising questions over reports Tillerson appeared at a signing ceremony between his former employer, Exxon Mobil, and the Saudi Basic

Industries Corporation concerning a proposed petrochemical complex slated for Texas. American Oversight filed FOIA requests seeking any guidance or waivers issued to Tillerson regarding the signing ceremony, as well as photos of the event and his calendar. Tillerson pledged during his confirmation process not to participate in any matters related to Exxon for one year.

**MAIL CALL! STRENGTHEN ENVIRONMENTAL JUSTICE PROGRAM:**

Democratic Reps. Donald McEachin, Nanette Diaz Barragán and Pramila Jayapal released a letter to Pruitt urging him to build upon and strengthen EPA's environmental justice program. "We must act on climate change, recognizing that frontline communities have continually been most impacted by the effects of climate change," the letter, signed by 43 other congressmen, said. Their calls are likely to fall on deaf ears, though, given Trump's budget zeroed out the program.

**MOVE THOSE FERC NOMS ALONG:** The U.S. Chamber of Commerce sent a letter to the top Republican and Democrat on the Senate Energy Committee Wednesday, urging them to swiftly advance the nominations Robert Powelson and Neil Chatterjee for open slots on the quorumless FERC. "Mr. Powelson and Mr. Chatterjee have demonstrated a solid grasp on the subject matter within FERC's overview and have a demonstrated record of advocating policy over partisanship," Neil Bradley, chief policy officer for the Chamber, wrote.

**PERRIELLO NABS McKIBBEN ENDORSEMENT:** Two weeks ahead of the Virginia gubernatorial primary election, Tom Perriello picked up the endorsement of prominent environmentalist Bill McKibben on Wednesday. "Tom Perriello, for the first time in Virginia's political history, has stood up to Dominion Energy," McKibben said. "That's a smart move — what the politically connected utility wants to do is lock the Commonwealth into a future of pipelines and power plants, even as the energy landscape is changing fast in the direction of renewables."

**NEEDS IMPROVEMENT:** EPA needs to do better at tracking spending on contracts and grants to small businesses to develop and commercialize innovative technologies, GAO said in a report released Wednesday.

**EDF PLANS CHALLENGE TO PRUITT METHANE ACTION:** Joining the Natural Resources Defense Council, the Environmental Defense Fund announced Wednesday it would challenge Pruitt's decision to stay additional components of the agency's 2016 rule setting methane emissions limits for new oil and gas industry sources. "Colorado, Wyoming and Ohio, already have similar protections in place, which demonstrate the reasonableness of these clean air measures," Peter Zalzal, lead attorney for the group, said in a statement.

**The American Petroleum Institute** praised Pruitt's decision in its own statement. "As demonstrated through previous regulatory efforts, EPA's focus should be on cost-effective regulations that target emissions of volatile organic compounds, providing the co-benefit of methane emission reductions," the group said in statement.

## QUICK HITS

- God 'can take care of' climate change if it's a real problem, congressman says. [MLive](#).
- Lawsuit alleges EPA failed to protect Shenandoah River. [AP](#).
- Trump is deciding on the Paris climate agreement with virtually no science advisers on staff. [Vox](#).
- California, Canada are teaming up to fight climate change — again. [USA Today](#).
- Controversial EPA chief skips Lexington speech, but groups still protest. [Lexington Herald Leader](#).
- EPA sues over tailings near Park City. [Salt Lake Tribune](#).
- Gas May Be Killing the Nuclear Option. [Bloomberg](#).

## HAPPENING TODAY

11:30 a.m. — API to release new report on safety, environmental stewardship, and benefits to local communities, RSVP: [SammonB@api.org](mailto:SammonB@api.org)

12:30 p.m. — "[The Political Economy of Forests: REDD+, Good Governance and Land Rights](#)," World Resources Institute, 10 G Street NE, Suite 800

## THAT'S ALL FOR ME!

*To view online:*

<https://www.politicopro.com/tipsheets/morning-energy/2017/06/how-pruitt-bannon-outsmarted-ivanka-on-paris-023090>

## Stories from POLITICO Pro

### How Bannon and Pruitt boxed in Trump on climate pact [Back](#)

By Andrew Restuccia and Josh Dawsey | 05/31/2017 08:00 PM EDT

Donald Trump's chief strategist and EPA administrator maneuvered for months to get the president to exit the Paris climate accord, shrewdly playing to his populist instincts and publicly pressing the narrative that the nearly 200-nation deal was effectively dead — boxing in the president on one of his highest-profile decisions to date.

Steve Bannon and Scott Pruitt have sought to outsmart the administration's pro-Paris

group of advisers, including Trump's daughter Ivanka, who were hoping the president could be swayed by a global swell of support for the deal from major corporations, U.S. allies, Al Gore and even the pope. But some of that pro-Paris sentiment wound up being surprisingly tepid, according to White House aides who had expected that European leaders would make a stronger case during Trump's trip abroad earlier this month.

Those who want Trump to remain also faced an insurmountable hurdle: The president has long believed, rightly or wrongly, that the U.S. is getting a raw deal under the accord, and it proved nearly impossible to change his mind.

The internal reality show will culminate Thursday when Trump finally announces his decision, after a rush of leaks Wednesday from administration officials saying he was on the verge of pulling the plug on U.S. participation in history's most comprehensive global climate agreement.

"I will be announcing my decision on Paris Accord, Thursday at 3:00 P.M.," Trump tweeted Wednesday night, without revealing the outcome. "The White House Rose Garden. MAKE AMERICA GREAT AGAIN!"

Some White House aides held out the prospect that the president still might take the middle course that Ivanka Trump and others had advocated — staying in the deal while drastically scaling back the Obama administration's non-binding carbon cleanup promises. But three White House officials said Wednesday that they expect Trump to make a clean break by withdrawing from the agreement, though they noted it's possible the president changes his mind at the last minute.

In recent months, Pruitt and Bannon made sure Trump heard from a parade of conservative leaders and Republican lawmakers who raised concerns that the deal would hobble his pro-fossil-fuel energy agenda.

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Pruitt and Bannon have told others repeatedly for months that Trump will pull out of the agreement, as they aggressively pushed a narrative that they hoped would prove to be true, even as White House aides continued to debate the issue.

"Some of the debate was for show to help the moderates feel like they had their say," said one person who has spoken to Pruitt. "Pruitt has believed all along that this was never in doubt."

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Bannon similarly argued in meetings with Trump and his team that the president would be breaking his campaign promise to "cancel" the agreement if he decided to remain. And he argued that the accord is a bad deal for the United States because other countries aren't doing enough to curb their emissions.

Pruitt and Bannon's anti-Paris campaign was meant to counter a separate offensive by members of the administration who supported staying in the pact, including Ivanka Trump and her husband, Jared Kushner.

In recent months, Ivanka Trump set up a process in which the president would regularly hear from people who supported remaining in the agreement, according to administration officials.

The remain camp believed, perhaps naively, that Trump could be influenced by the support the Paris deal has received from major corporations, including Exxon Mobil, which Secretary of State Rex Tillerson led for more than a decade.

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President Barack Obama's pledge to cut domestic greenhouse gas emissions. They made the case that Trump could use the good will generated from remaining to negotiate better economic incentives for fossil fuels, and they even won the buy-in of several coal companies that detested Obama's climate policies.

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"He had tremendous pressure from international leaders, from members of his own Cabinet and advisers in the international sphere not to pull out of the accord because of the perceived loss of face," said McIntosh, the Club for Growth president.

But while the leaders of G-7 nations all pressed Trump to remain in the agreement during last week's summit in Italy, Paris supporters in the White House have privately grouched that they didn't make an aggressive enough case.

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Indeed, European officials received a series of mixed messages from Trump's team during the summit. National Economic Council Director Gary Cohn, a Paris supporter and the only U.S. official permitted to attend meetings with G-7 leaders, told reporters that Trump was "evolving" on climate change, which many interpreted to mean that he would remain.

White House officials chalked up Cohn's comments to Trump's habit of echoing the perspective of the last person he talked to. By that time, Bannon and other opponents of the agreement had returned the United States. But Trump's decision to delay a final verdict on the agreement gave Pruitt and Bannon a final opportunity to make their case. Pruitt met with Trump to discuss Paris on Tuesday.

Most European officials were unwilling to comment about the prospect that Trump will withdraw, as they have not yet received official word from the White House and they are still holding out hope that the president will change his mind.

The officials have already begun looking to other countries for support on climate change, with the European Union set to promise deeper cooperation with China. Some

officials have even adopted a new informal nickname for the major remaining countries that support action on climate change: the G-6.

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Whatever he does, supporters of the climate agreement expect a harsh reaction from the United States' friends if the country pulls out.

"I think the diplomatic backlash will be worse than it was when the U.S. rejected Kyoto," said Susan Biniaz, the State Department's longtime former climate change lawyer, referring to the George W. Bush administration's decision to spurn the 1997

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One former U.S. official agreed: "Will global leaders trust the U.S. to negotiate a climate treaty ever again? After Kyoto and Paris, who will trust us to keep our word as a nation? Our credibility is gone."

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## **How Bannon and Pruitt boxed in Trump on climate pact [Back](#)**

By Andrew Restuccia and Josh Dawsey | 05/31/2017 08:00 PM EDT

Donald Trump's chief strategist and EPA administrator maneuvered for months to get the president to exit the Paris climate accord, shrewdly playing to his populist instincts and publicly pressing the narrative that the nearly 200-nation deal was effectively dead — boxing in the president on one of his highest-profile decisions to date.

Steve Bannon and Scott Pruitt have sought to outsmart the administration's pro-Paris group of advisers, including Trump's daughter Ivanka, who were hoping the president could be swayed by a global swell of support for the deal from major corporations, U.S. allies, Al Gore and even the pope. But some of that pro-Paris sentiment wound up being surprisingly tepid, according to White House aides who had expected that European leaders would make a stronger case during Trump's trip abroad earlier this month.

Those who want Trump to remain also faced an insurmountable hurdle: The president has long believed, rightly or wrongly, that the U.S. is getting a raw deal under the accord, and it proved nearly impossible to change his mind.

The internal reality show will culminate Thursday when Trump finally announces his decision, after a rush of [leaks](#) Wednesday from administration officials saying he was on the verge of pulling the plug on U.S. participation in history's most comprehensive global climate agreement.

"I will be announcing my decision on Paris Accord, Thursday at 3:00 P.M.," Trump [tweeted](#) Wednesday night, without revealing the outcome. "The White House Rose Garden. MAKE AMERICA GREAT AGAIN!"

Some White House aides held out the prospect that the president still might take the middle course that Ivanka Trump and others had advocated — staying in the deal while drastically scaling back the Obama administration's non-binding carbon cleanup promises. But three White House officials said Wednesday that they expect Trump to make a clean break by withdrawing from the agreement, though they noted it's possible



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**Trump aides weighing staying in Paris deal, but rejecting Obama pledge** [Back](#)

By Andrew Restuccia | 03/09/2017 03:08 PM EDT

Trump administration officials are considering a plan to remain part of the nearly 200-nation Paris climate change agreement, while weakening former President Barack Obama's pledge to reduce U.S. greenhouse gas emissions, multiple sources told POLITICO.

The plan has not yet won the buy-in of key Trump aides and the president has not signed off. Sources familiar with the plan cautioned that it remains in flux, and could be scuttled by Trump advisers who are critical of the agreement.

But keeping the U.S. in the 2015 Paris pact would be a victory for some in the Trump

administration, including the president's daughter Ivanka and his son-in-law Jared Kushner, who have sought to boost the president's green credentials and fear that pulling out would damage relations with key U.S. allies. Many conservatives have been pushing President Donald Trump to withdraw from the deal altogether, as the president himself pledged to do during the campaign.

One way to square those conflicting imperatives would be to reject the pledge Obama offered as part of the 2015 Paris pact — a nonbinding target for reducing the United States' emissions of planet-warming greenhouse gas emissions. That's increasingly seen within the White House as a possible way forward.

Obama had pledged that by 2025 the U.S. would reduce its greenhouse gas emissions by 26 percent to 28 percent below where it was in 2005.

Weakening Obama's pledge would probably frustrate many American allies, who see the United States' commitment to tackling climate change as a bedrock of the Paris agreement. It would also reflect the likelihood that Trump's push to revoke key Obama environmental regulations would make it more difficult to meet the existing target.

George David Banks, a White House senior adviser on international energy and environmental issues, has briefed people outside the administration on the plan in recent days, according to people who have spoken with him.

Banks discussed the plan during a Thursday meeting with about a dozen fossil fuel industry officials, according to people familiar with the closed-door discussion.

Banks did not respond to a request for comment. A White House spokeswoman said, "We have no announcements to make at this time."

It's unclear when the Trump administration will announce a final decision on its approach to Paris. Sources cautioned a verdict may not be made public for weeks or even months, and could hinge on broader energy-related discussions with other countries.

Ivanka Trump and Kushner, a senior adviser to the president, have been strong advocates of staying in the agreement, sources said. And other advisers raised fears that withdrawing altogether would greatly damage U.S. diplomatic relations with other countries.

Trump's appointees are separately taking steps to revoke regulations requiring cuts in greenhouse gas pollution from the nation's power plants, among other rollbacks of Obama-era environmental rules.

Those regulations were the bulwark of Obama's promise that the United States, the world's second-largest carbon polluter, would do its share to address the problem — even though scientists have said steeper cuts are needed to avoid catastrophic harm

from climate change.

Trump's advisers have sometimes been at odds over how to approach Paris — and Trump's chief strategist, Steve Bannon, is said to be advocating for withdrawing from the agreement. Bannon's influence with Trump could undercut the proposal to stay in the deal.

Some Trump supporters have even hoped he would pull out from the entire decades-old "framework" of United Nations climate negotiations. Such a step would have been even more extreme than former President George W. Bush's abandonment of the 1997 Kyoto climate accord, which made the U.S. an untrusted figure in international climate circles for years afterward.

To clinch the Paris agreement, the Obama administration had to pull off some tricky diplomatic gymnastics, bringing together rich and poor countries that had disagreed for decades about how to divide the burden of curbing the world's carbon output. The pact, reached in December 2015 after two weeks of negotiations in a Paris suburb, followed months of U.S. pressure on China and India to make their own commitments, despite arguments from the developing world that already-wealthy nations should be doing the lion's share.

Ultimately, the talks were successful because negotiators allowed countries to write their own domestic pledges to tackle climate change, rather than imposing across-the-board mandates to slash emissions.

Those pledges are largely nonbinding, which enabled Obama to avoid a politically disastrous ratification fight in the Senate. But that also makes it easier for Trump to change Obama's pledge.

Even if Obama's target remained in place, scientists and climate activists have warned that the deal won't cut carbon pollution enough to prevent the worst effects of climate change, including rising seas and worsening droughts and storms. Instead, they said, countries would need to steadily escalate their targets.

The agreement calls on countries to aim to limit global warming to "well below" 3.6 degrees Fahrenheit from pre-industrial levels, and it said countries should "pursue efforts" to keep temperature increases to 2.7 degrees Fahrenheit. Under a business-as-usual scenario, global temperatures could rise by 4.7 to 8.6 degrees Fahrenheit by the end of the century, according to scientists, an increase that would have catastrophic consequences for the planet.

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## States, cities to boost climate action as Trump's Paris withdrawal looms [Back](#)

By Eric Wolff | 05/31/2017 07:49 PM EDT

Amid news that President Donald Trump is preparing to withdraw the U.S. from the Paris climate agreement, several cities, states and private businesses are hoping to accelerate their efforts to fight climate change and fill any gap left by Washington.

Mayors of New York, Los Angeles and other cities are promising to maintain their own commitments to reduce their cities' carbon dioxide emissions, and New York Gov. Andrew Cuomo responded to Wednesday's leaks from the White House with a new proclamation that he would advance "bold" renewable energy goals.

While governments below the national level cannot officially sign onto the Paris agreement, Trump's expected move to pull out of the 2015 accord signed by 195 countries is prompting them to look for other paths they can follow to contribute to the international effort. Sources tell POLITICO that several states, municipalities, and business leaders are in early discussions to create a carbon reduction agreement that could be called a "Societally Determined Contribution," a name that aims to mimic the "Nationally Determined Contribution" that each of the Paris accord's members submitted.

Liberal states like New York and California have already launched efforts to fight greenhouse gas emissions, and climate change is becoming an issue in Virginia's gubernatorial race. And while questions remain whether states, cities and businesses have the political will and the capacity to make a significant contribution to reducing the pollution blamed for global warming, for climate activists, they offer the best chance to reduce emissions.

"Local governments, corporations, individuals, they're the ones who have made a difference in America, and not the Obama administration," said former New York Mayor Michael Bloomberg, now the U.N. Special Envoy for Cities and Climate change. "I think the danger and the damage that the Trump administration decision to pull out would [have] is more psychological -- it isolates us from the rest of the world, it sends exactly the wrong message."

Former President Barack Obama had pledged under the U.S.' Nationally Determined Contribution to reduce carbon dioxide emissions between 26 percent to 28 percent of 2005 levels by 2025. That promise, though not legally binding, was built on Obama's policies like the Clean Power Plan, which would have shrunk emissions at power plants but is now being unwound by Trump's administration.

Trump tweeted that he'd announce a decision in the "next few days," prompting calls from business heavyweights like Apple's Tim Cook and Tesla's Elon Musk to remain in the global deal, but the local and state leaders are working to develop their plan B to step in for the U.S. on the international climate scene, sources tell POLITICO.

Discussions are still very preliminary, but the participants are trying to come up with a combined carbon reduction from states, cities and businesses to replace the cuts that Trump is expected to eliminate. The structure and operation of the group behind the "SDC" is still unknown, as is the final target, whether it would set a single reduction target for the group or if there will be other clean energy or carbon reduction goals. Developing an agreement would require analysis to determine whether policies like California's carbon price and commitments like Facebook's promise to rely solely on renewable power could be merged, but proponents are hopeful they can find some way to set a target.

"It strikes folks as an obvious thing, a great way to show the international community that there's a lot going on in the U.S." said a source working to facilitate the conversations. "It is really important to the international community to understand to avoid a knock-on effect of U.S. withdrawal on the actions of other countries."

Even without a binding document, states are moving into the space created by the absence of federal action. A group of 18 lawmakers led by Democratic Reps. Earl Blumenauer (Ore.), Jared Huffman (Calif.), and Suzan DelBene (Wash.) sent a letter to Govs. Kate Brown (Ore.), Jerry Brown (Calif.) , and Jay Inslee (Wash.), calling for them to act.

"Given the vacuum in climate leadership that has resulted from the election of Donald Trump, our states must continue to form a 'green wall' in the West that will maintain climate leadership in the United States. The Paris Agreement calls for significant reductions in greenhouse gas emissions, and if Donald Trump's administration won't lead, our states must," the lawmakers wrote.

Virginia Gov. Terry McAuliffe enacted a series of policies that will make the commonwealth "trading ready" for a carbon cap-and-trade program, a move seen as a precursor to Virginia's joining the nine-state Regional Greenhouse Gas Initiative. McAuliffe's successor will have to decide whether to take that next step, thrusting the issue into this year's gubernatorial race, where Republican candidates have been critical of his efforts.

To be sure, there may be limits to what the green-minded cities and states can do. California plus the nine states in RGGI comprised less than 14 percent of U.S. emissions in 2014, according to the Energy Information Administration, and they have been working toward decarbonization for years. Meanwhile, Texas, a state with an intensive energy industry and little appetite for carbon action, contributes nearly 12 percent of U.S. emissions on its own.

Pennsylvania and Illinois are the third and fourth biggest emitters among U.S. states, and both states have active coal-mining industries that would likely oppose aggressive state action. Pennsylvania Gov. Tom Wolf, who signed a letter calling on Trump to stay in the Paris agreement earlier this month, made joining RGGI a campaign



promise, but has rarely mentioned it since taking office.

Critics of climate change policies say any state efforts are likely to have no effect, except to raise energy prices.

"Climate regulations at the state and local levels will still be all cost and no climate benefit but I would say that if states want to pursue climate policies that's their prerogative," said Nick Loris, an economist at the conservative Heritage Foundation. "There's also a matter of politics. Even a pretty liberal state like Washington couldn't get through an aggressive carbon tax policy because environmental groups didn't like that the money wasn't being spent on green technologies."

But for environmental leaders, like California's Brown, Trump's expected rejection of the Paris pact has only helped make the case for climate action clearer.

"This current departure from reality in Washington will be very short-lived, that I promise you," Brown told POLITICO in an [interview](#). "I've spoken with Republicans here in the legislature, and they're beginning to get very serious about climate action, so the momentum is all the other way. And I think Trump, paradoxically, is giving climate denial such a bad name that he's actually building the very movement that he is [purporting] to undermine."

*Helena Bottemiller Evich and David Siders contributed to this report*

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**Brown: 'The rest of the world is against' Trump** [Back](#)

By David Siders | 05/31/2017 04:10 PM EDT

LOS ANGELES — California Gov. Jerry Brown, one of the nation's foremost proponents of efforts to address climate change, on Wednesday called President Donald Trump's planned withdrawal from the Paris climate accord "outrageous," while predicting the effect of the move will be short-lived.

"This current departure from reality in Washington will be very short-lived, that I promise you," Brown told POLITICO in an interview. "I've spoken with Republicans here in the Legislature, and they're beginning to get very serious about climate action, so the momentum is all the other way. And I think Trump, paradoxically, is giving climate denial such a bad name that he's actually building the very movement that he is [purporting] to undermine."

Brown added, "You can't fight reality with a tweet."

News of the president's decision drew ire from Democrats and environmental groups across the country, nowhere more so than in California, where the state Senate hours later passed major climate legislation requiring utilities to obtain 100 percent of their electricity from renewable sources by 2045.

After the vote, state Senate President Pro Tem Kevin de León told reporters that Trump's decision is "distressing" but that California "will forge ahead."

Brown has been harshly critical of Trump on climate policy, but he said last week that he believed the Republican president to be a political "realist" and that progress on the issue might be "not as disastrous as we thought a few months ago."

On Wednesday, Brown said, "I don't think the Trump deviation will stand."

"Yes, he's making this announcement," the governor said. "But the rest of the world is against him. California is against him. New York is against him. We are for sensible, scientifically based climate action. And this is unfortunate, even tragic, but we will overcome it. And through Trump's outrageous action, the contrary movement is galvanized, and we're mobilizing people, states, provinces and working with other countries to move in a direction that is sustainable and is compatible with what we know we must do to survive."

Brown is preparing to travel this week to China, where he will participate in an international climate summit, meet with Chinese officials and rally support for local efforts to counteract the effects of climate change. The fourth-term Democratic governor, a longtime champion of environmental causes, has helped sign more than 170 mostly subnational governments to a nonbinding pact to limit greenhouse gas emissions.

Asked what he would tell Chinese officials about Trump, Brown said, "I don't think I'll have much to say about the president. I'll have a lot to say about California, and I'll have a lot to say about the 170-plus states and provinces that have joined with California in the 'Under 2' initiative."

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**All the ways Trump is shredding Obama's climate agenda** [Back](#)

By Ben Lefebvre, Esther Whieldon, Darius Dixon, Alex Guillén and Andrew Restuccia | 05/31/2017 04:45 PM EDT

President Donald Trump's expected decision to withdraw the United States from the

Paris climate agreement is a huge morale blow to the worldwide effort to head off the worst effects of global warming. But it's just the latest step in his determined campaign to erase Barack Obama's green agenda.

Pulling out of the Paris deal means that the United States — the world's second-largest producer of greenhouse gases — would no longer take part in the most comprehensive international pact ever crafted on climate change, joining Syria and Nicaragua as the only holdouts among nearly 200 nations.

But Trump's domestic environmental efforts will have the most immediate real-world impact on the planet's fate, by halting Obama's attempts to achieve steep cuts in U.S. carbon emissions and shift the country away from fossil fuels. The impact of those regulation rollbacks and other steps could be equivalent to adding almost 2 percent to the world's carbon output by 2025 compared with Obama's targets, based on recent analyses — at a time when climate researchers say the world urgently needs to accelerate its reductions.

This is POLITICO's rundown of the steps Trump has already set in motion:

## **Lifting limits on coal**

— Trump ordered the Environmental Protection Agency to take the first steps toward repealing Obama's Clean Power Plan, a suite of curbs on greenhouse gas pollution from thousands of existing power plants. Those restrictions, and a separate regulation on future plants, would have encouraged power companies to shift away from coal.

— The administration lifted Obama's freeze on new coal leases on federal land, and halted the Interior Department's formal environmental review of coal leasing charges.

— Interior announced it will repeal an Obama-era rule that threatened to increase companies' royalty payments for coal, oil and natural gas they extract on federal lands.

— Energy Secretary Rick Perry ordered a 60-day review of tax and regulatory policies that "are responsible for forcing the premature retirement of baseload power plants," language suggesting the report will criticize federal support for wind and solar power.

## **Drill, baby drill**

— Trump ordered Interior to end restrictions on oil drilling in Arctic waters, and told it to consider opening up the Atlantic coast for drilling.

— He ordered Interior to rewrite a 2015 rule that called for tighter environmental standards for fracked oil and gas wells on public lands. He also ordered reviews of a rule on offshore oil well safety, as well as one relating to air quality evaluations for offshore oil and gas drillers.

— He signed a congressional repeal of an Interior Department land-use planning update after fossil fuel companies complained it would hurt their access to federal lands.

— EPA withdrew a request for information from oil and gas companies about methane emissions from their operations. The Obama administration's request had been seen as an early step toward regulating those sources.

— Trump ordered the Commerce Department to review all marine sanctuaries established or expanded in the past 10 years for possible oil and natural gas drilling opportunities.

— He reversed Obama's denial of a permit for the Keystone XL pipeline and ordered the Army Corps of Engineers to allow final construction on the Dakota Access pipeline. Neither project would have much impact on the climate by itself, but the moves sent a strong signal of the administration's intention to increase fossil fuel production.

## **Rolling back regulations**

— Trump ordered EPA to reopen its review of Obama's tightened automobile emissions standards for model years 2022-2025. The review is the first step toward relaxing the standards.

— The administration froze the rollout of several Energy Department energy efficiency rules.

— EPA is reviewing whether to continue a 2013 waiver that lets California impose stricter air pollution limits regulations than the federal government does on "non-road" diesel engines like bulldozers and tractors.

— EPA is reviewing several regulations still in litigation, including rules on mercury from power plants, ozone, wetlands and waterways, pollution from heavy-duty trucks, methane emissions from new oil and gas operations, coal plants' pollution discharges into waterways and refrigerants, plus a rule that would let citizen groups sue power plants that exceed emissions limits during startup, shutdown or malfunction.

## **Cutting climate and green energy programs**

— Trump's 2018 budget request proposed a 31 percent cut to EPA's budget, which especially targeted its climate programs. He also proposed cutting climate research at other agencies, including Interior's U.S. Geological Survey.

— EPA reassigned employees who had been working on adapting to the effects of climate change.

— Trump called for eliminating DOE's loan program and its Advanced Research Projects Agency-Energy, which supports commercially risky technologies aimed at reducing greenhouse gas emissions. The administration also sought deep cuts to offices devoted to fossil, nuclear and renewable energy as well as energy efficiency.

— DOE placed a hold on funding for nearly two dozen ARPA-E projects. Only three have gotten approval under the Trump administration.

*To view online [click here](#).*

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### **Exxon shareholders win vote to build Paris climate pact into plans** [Back](#)

By Ben Lefebvre | 05/31/2017 02:37 PM EDT

The Trump administration may be preparing to withdraw the U.S. from the Paris climate change accords, but shareholders at Exxon Mobil and at least one other U.S. oil company are demanding the companies incorporate the international deal in their business models.

Nearly two-thirds of Exxon's shareholders backed a proposal on Wednesday calling for the company to assess how climate change and global efforts to limit temperature increases will affect its business. The vote is non-binding, but the results show that the once-fringe idea of linking climate change to big oil's operations has gained momentum.

The vote at the Exxon annual shareholder meeting in Dallas came after investors in its smaller rival Occidental Petroleum earlier this month cast more than two-thirds of their votes for a measure calling for the company to assess how its business would be affected by the Paris climate change accord's target of holding global warming to 2-degrees. Company credit rating agency Moody's said last year it would start to use the Paris pledge to assess financial risk for corporations.

"Shareholders have spoken clearly on climate," said Danielle Fugere, president and chief counsel for As You Sow, a group that helps shareholders introduce environmental proposals. "If there's less demand for oil and the world is awash in oil, there's going to be more competition among these companies. Shareholders are trying to figure out who is the best bet."

Not all of these climate-related investor proposals succeeded, however. Chevron shareholders Wednesday morning rejected a motion that the company issue a report on how limiting global temperature increase to 2 degrees Celsius (3.6 degrees Fahrenheit) would affect its business. Only 27 percent of voting shareholders approved the

proposal, down from more than 40 percent who voted for a similar proposal last year.

Exxon, Chevron and other energy companies facing such proposals argue that they are already taking the Paris agreement seriously and incorporating it into their business plans. Exxon in particular pointed out that it was developing technology that would capture the carbon emitted at natural gas power plants and then either store it or use it to produce more electricity.

"We believe the goal of carbon policy is to reduce emissions at the lowest cost to society," Exxon Chief Executive Darren Woods said at the shareholder meeting. "These goals led us to support the Paris Agreement." Woods sent President Donald Trump a letter earlier this month urging the U.S. to stay in the Paris deal.

For Exxon, the votes also illustrate how entangled the company has become in New York state climate change politics. The climate change proposal shareholders approved was partly sponsored by the New York State Common Retirement Fund, which is run by the State's comptroller. Meanwhile, the company is embroiled in a lawsuit with the New York and Massachusetts attorneys general over whether it withheld its own research on climate change from shareholders.

"The burden is now on Exxon Mobil to respond swiftly and demonstrate that it takes shareholder concerns about climate risk seriously," New York State Comptroller Thomas P. DiNapoli said in a prepared statement after the vote.

*To view online [click here](#).*

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## **Feds reach settlement with Harley-Davidson over defeat devices [Back](#)**

By Alex Guillén | 08/18/2016 12:32 PM EDT

Harley-Davidson riders may have to do a little less freewheel burning after the motorcycle maker agreed to stop selling defeat devices that had EPA spitting flames.

In a [lawsuit](#) and [settlement](#) announced today, the Justice Department and EPA allege that Harley-Davidson sold 340,000 "super tuners," after-market defeat devices that can be installed on motorcycles to boost their performance. But they also increase emissions of hydrocarbons and nitrogen oxides, which contribute to smog formation.

The company has agreed to buy back and destroy the devices, which it sold at dealerships across the U.S. since 2008. It also will pay a \$12 million civil penalty and spend \$3 million on air quality mitigation projects.

"Given Harley-Davidson's prominence in the industry, this is a very significant step

toward our goal of stopping the sale of illegal aftermarket defeat devices that cause harmful pollution on our roads and in our communities," said John Cruden, DOJ's top environmental prosecutor.

The violations were discovered following a "routine" inspection, according to the agencies.

Any tuners Harley-Davidson looks to sell in the future will have to be approved by the California Air Resources Board.

DOJ and EPA also say Harley-Davidson sold more than 12,000 bikes from 2006 to 2008 that were not covered by a key EPA certification. The company agreed to have all future motorcycle models certified by EPA.

The deal is open to a 30-day public comment period and judicial approval.

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## **Zinke signs order to promote oil drilling in Alaska** [Back](#)

By Ben Lefebvre | 05/31/2017 05:27 PM EDT

Interior Secretary Ryan Zinke today signed an [order](#) aimed at sparking additional oil development in Alaska.

Interior will review the possibility of increasing oil production in the National Petroleum Reserve in Alaska and to assess how much oil and gas could be extracted from part of the Arctic National Wildlife Refuge.

The order seeks to revise BLM's Integrated Activity Plan to evaluate "efficiently and effectively maximizing the tracts offered for sale during the next NPR-A lease sale."

It also tells officials to come up with a plan to measure undiscovered, technically recoverable oil and natural gas resources of Alaska's North Slope, focusing in part on Section 1002 of the ANWR.

"Working with the Alaska Native community, Interior will identify areas in the NPR-A where responsible energy development makes the most sense and devise a plan to extract resources," Zinke said in a statement. "We will do it in a way that both respects the environment and traditional uses of the land as well as maintains subsistence hunting and fishing access."

Alaskan Republican Sens. [Lisa Murkowski](#) and [Dan Sullivan](#) hailed the move. Both

senators have submitted bills this year in an attempt to jump-start energy production in the state.

The U.S Geological Survey in 2010 estimated the NPR-A held about 895 million barrels of economically recoverable oil and 52.8 trillion cubic feet of natural gas. In 1995, then-President Bill Clinton vetoed legislation Congress sent him that called for oil and gas exploration in the 1.5-million-acre [Section 1002](#) of the ANWR.

**WHAT'S NEXT:** Interior officials have 31 days to come up with a plan to implement Zinke's directive.

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### **Russia probe scares off potential appointees [Back](#)**

By Andrew Restuccia and Josh Dawsey | 05/31/2017 05:05 AM EDT

President Donald Trump's effort to fill hundreds of vacant jobs across the federal government has hit a new snag: Russia.

Potential hires are paying close attention to the expanding investigations, which have now begun to touch senior Trump aides, with some questioning whether they want to join the administration.

Four people who work closely with prospective nominees told POLITICO that some potential hires are having second thoughts about trying to land executive branch appointments as federal and congressional investigations threaten to pose a serious distraction to Trump's agenda.

"It's an additional factor that makes what was an already complicated process of staffing the government even harder," said Max Stier, head of the Partnership for Public Service, which has advised the Trump transition on hiring.

According to the nonpartisan Partnership for Public Service, the White House has announced nominees for just 117 of the 559 most important Senate-confirmed positions.

That trails the records of Presidents Barack Obama and George W. Bush, who had each nominated about twice as many people by this point in the first year of their first terms.

Trump has not yet nominated a No. 2 at the Agriculture Department, Education Department, Department of Veterans Affairs or Environmental Protection Agency, and



dozens of top positions at every federal agency remain vacant. Trump's nominees for deputy secretary of Commerce and Treasury both withdrew.

One lawyer who represents prospective political appointees told POLITICO that three clients said over the past two weeks that they are no longer interested in working for the Trump administration following the appointment of Robert Mueller as special counsel overseeing the federal investigation into Trump associates' contacts with Russian officials during the campaign.

"There's no doubt in my mind that people are being very cautious, to put it mildly," this lawyer said, adding that there is growing concern in Republican circles that the caliber of hires could deteriorate if the administration's top picks drop out.

"You're going to have a situation where they're going to have trouble getting A-list or even B-list people to sign up," the lawyer added.

Others agreed. "With all that is going on now, there is certainly a greater amount of hesitation," said a former government official who regularly speaks with one of Trump's Cabinet secretaries. "They have a real talent problem that continues to grow."

A White House spokeswoman said the Russia investigation and the series of news stories that have pummeled the administration in recent weeks have had no impact on hiring. She said the president is recruiting individuals "of the highest quality."

But the steady stream of palace intrigue stories about internal tensions and plans for a staff shakeup — after months of rumors about various senior officials getting pushed out — are making it harder to persuade people to join the administration, another White House official said.

White House communications director Michael Dubke said Tuesday he will leave his role, while Trump is weighing the possibility of bringing former campaign aides Corey Lewandowski and David Bossie into the White House.

"It's not the best place to work right now, but you're still working at the White House, so there are far worse jobs," the official said.

Former Bush and Obama administration officials who worked on personnel issues told POLITICO they never struggled to find qualified candidates for top jobs.

"I can't speak to Republicans not wanting to join this administration but, as a general matter, we didn't have trouble recruiting people — quite the opposite," said Lisa Brown, who served as White House staff secretary under Obama for two years.

Along with distracting from lower-level hires, the Russia probe has slowed and complicated the process of filling the administration's highest-profile vacancy — director of the FBI.

Trump administration officials have been frustrated by the difficulties they've faced in finding a new FBI director. Top White House officials, including chief of staff Reince Priebus and chief strategist Steve Bannon, hoped to have made a decision made by now.

Instead, leading candidates Sen. John Cornyn (R-Texas), Rep. Trey Gowdy (R-S.C.) and former Sen. Joe Lieberman have all withdrawn from consideration. The White House is now looking at a new field of candidates, and Trump met with two possibilities — John Pistole and Chris Wray — on Tuesday.

"It's not so easy to find an FBI director in the Trump administration," the White House official said.

The official added that Trump and his senior team are aware that hiring is not moving fast enough at agencies but said that, right now, "It's just not priority No. 1."

A second White House official said he was not aware of any potential nominees dropping out because of the recent news but echoed concerns that the Russia probe would inevitably add to further delays filling empty jobs.

"The problem we are likely to have is it may be difficult to get people to focus on hiring with all of this going on," the official said.

*To view online [click here](#).*

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## **EPA to reconsider more provisions of oil and gas well emissions rule [Back](#)**

By Alex Guillén | 05/31/2017 11:55 AM EDT

EPA today placed a 90-day stay on several additional portions of its 2016 rule setting methane emissions limits for new oil and gas industry sources.

The delay is needed as the agency considers several petitions to reconsider parts of the regulation, EPA said. The agency [in April stayed](#) some other portions of the rule, including fugitive emissions requirements, but today's announcement covers other key parts of the regulation.

Two more parts of the rule EPA will now reconsider are standards for well site pneumatic pumps and requirements for closed vent systems to be certified by a professional engineer, according to a [Federal Register notice](#) signed by Administrator Scott Pruitt on Friday and running soon.

Those requirements will be placed on hold for 90 days while EPA reviews them, and the agency "intends to look broadly at the entire 2016 Rule," not just the specific portions already identified, according to the notice.

EPA will have to take public comment on any proposed changes to the rule before finalizing them, and could subsequently face litigation.

**WHAT'S NEXT:** EPA will issue proposed changes to the rule's requirements and take public comment.

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This email was sent to [jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov) by: POLITICO, LLC 1000 Wilson Blvd. Arlington, VA, 22209, USA

---

**To:** Reeder, John[Reeder.John@epa.gov]  
**Cc:** Jackson, Ryan[jackson.ryan@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Sun 5/14/2017 9:47:38 PM  
**Subject:** Re: Reimbursement

Did you find this and can you please approve it? Thanks

On May 11, 2017, at 2:19 PM, Reeder, John <Reeder.John@epa.gov> wrote:

Samantha,

We're trying to set up this system for Ryan to approve the AA's. Reggie won't be doing these.

Meanwhile I'll see if I can find it and move this one along.

John R.

564 6082

**From:** Dravis, Samantha  
**Sent:** Thursday, May 11, 2017 1:04 PM  
**To:** Allen, Reginald <Allen.Reginald@epa.gov>  
**Cc:** Jackson, Ryan <jackson.ryan@epa.gov>; Reeder, John <Reeder.John@epa.gov>  
**Subject:** FW: Reimbursement

Reggie,

Carolyn submitted a voucher for your approval on May 1<sup>st</sup>. Can you let us know what if

any reason there is for the delay in approval on your end?

Thanks.

Samantha

**From:** Inge, Carolyn  
**Sent:** Thursday, May 11, 2017 1:03 PM  
**To:** Dravis, Samantha <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)>  
**Subject:** RE: Reimbursement

I process the voucher on 5/1 so it's been waiting in Concur for approval since the May 1.Thx.

**Carolyn Inge**

**US Environmental Protection Agency**

**Office of Policy**

**1301 Constitution Avenue NW**

**Washington, DC 20004**

**(202) 566-2845-Work**

**From:** Dravis, Samantha  
**Sent:** Thursday, May 11, 2017 12:46 PM  
**To:** Inge, Carolyn <[Inge.Carolyn@epa.gov](mailto:Inge.Carolyn@epa.gov)>  
**Subject:** RE: Reimbursement

When did you submit it to Reggie? What day?

**From:** Inge, Carolyn  
**Sent:** Thursday, May 11, 2017 12:46 PM  
**To:** Dravis, Samantha <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)>  
**Subject:** RE: Reimbursement

Waiting on Reggie Allen then to Cincinnati for processing to her account.

**Carolyn Inge**

**US Environmental Protection Agency**

**Office of Policy**

**1301 Constitution Avenue NW**

**Washington, DC 20004**

**(202) 566-2845-Work**

**From:** Dravis, Samantha  
**Sent:** Thursday, May 11, 2017 12:01 PM  
**To:** Inge, Carolyn <[Inge.Carolyn@epa.gov](mailto:Inge.Carolyn@epa.gov)>  
**Cc:** Kime, Robin <[Kime.Robin@epa.gov](mailto:Kime.Robin@epa.gov)>  
**Subject:** Reimbursement

Is it pending John Reeder's approval, or where is it in the process?

**To:** Jackson, Ryan[jackson.ryan@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Tue 3/7/2017 1:45:38 PM  
**Subject:** RE: CERA

If you are amenable, I think today we should pull in a couple of people from the regulatory sub office of the Policy office. They know about all these rules, have studied them, and can make recommendations. Sarah Rees would be good to sit in on our meeting today.

-----Original Message-----

From: Jackson, Ryan  
Sent: Tuesday, March 7, 2017 8:44 AM  
To: Dravis, Samantha <dravis.samantha@epa.gov>  
Subject: Re: CERA

Ok good to know. Sorry your having to travel. That crimps this but if can the program offices respond to our spreadsheet pronto so we can make decisions about that goes? **Ex. 5 - Deliberative Process**

**Ex. 5 - Deliberative Process**

Ryan Jackson  
Chief of Staff  
U.S. EPA

**Ex. 6 - Personal Privacy**

> On Mar 7, 2017, at 6:41 AM, Dravis, Samantha <dravis.samantha@epa.gov> wrote:

>

> Great. The office of federal register is going to be backed up badly next week and OMB is telling me we basically need to submit notices on any midnight rules by March 15th-ish to ensure publication.

>

> -----Original Message-----

> From: Jackson, Ryan  
> Sent: Tuesday, March 7, 2017 8:41 AM  
> To: Dravis, Samantha <dravis.samantha@epa.gov>  
> Subject: Re: CERA

>

> Yes for sure.

>

> Ryan Jackson

> Chief of Staff

> U.S. EPA

> **Ex. 6 - Personal Privacy**

>

>> On Mar 7, 2017, at 6:40 AM, Dravis, Samantha <dravis.samantha@epa.gov> wrote:

>>

>> Nice!

>>

>> So, we do have some actions and rules still in the queue that need immediate action. Will you be able to rendezvous again with me, Byron and Schnare to go through another list like we did last week?

>>

>>

>> -----Original Message-----

>> From: Jackson, Ryan  
>> Sent: Tuesday, March 7, 2017 8:37 AM  
>> To: Dravis, Samantha <dravis.samantha@epa.gov>  
>> Cc: Dickerson, Aaron <dickerson.aaron@epa.gov>; Hale, Michelle <hale.michelle@epa.gov>; Konkus, John <konkus.john@epa.gov>; Brown, Byron <brown.byron@epa.gov>

>> Subject: Re: CERA  
>>  
>> Perfect. The AZ trip was really good. John, NAM is going to send me videos and pictures for the website. Scott is very happy right now. Even though it's 6:30 am here.  
>>  
>> Ryan Jackson  
>> Chief of Staff  
>> U.S. EPA  
>> Ex. 6 - Personal Privacy  
>>  
>>> On Mar 7, 2017, at 6:29 AM, Dravis, Samantha <dravis.samantha@epa.gov> wrote:  
>>>  
>>> John and I are talking this morning on this  
>>>  
>>>  
>>> Sent from my iPhone  
>>>  
>>>> On Mar 7, 2017, at 8:26 AM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:  
>>>>  
>>>> Thank you. Scott is very interested in the media spots.  
>>>>  
>>>> This event is a big deal with a lot of moving parts. John, maybe you should go too to help.  
>>>>  
>>>> Ryan Jackson  
>>>> Chief of Staff  
>>>> U.S. EPA  
>>>> Ex. 6 - Personal Privacy  
>>>>  
>>>>> On Mar 7, 2017, at 6:23 AM, Dickerson, Aaron <dickerson.aaron@epa.gov> wrote:  
>>>>>  
>>>>> Here is the draft trip schedule. Will have an updated version later today.  
>>>>> Samantha/John - if you can send me the run of show from the call you had with Daniel Yergin, I will add to schedule.  
>>>>>  
>>>>> Thanks.  
>>>>>  
>>>>> -----Original Message-----  
>>>>> From: Hale, Michelle  
>>>>> Sent: Tuesday, March 7, 2017 8:15 AM  
>>>>> To: Jackson, Ryan <jackson.ryan@epa.gov>; Dickerson, Aaron <dickerson.aaron@epa.gov>  
>>>>> Cc: Dravis, Samantha <dravis.samantha@epa.gov>; Konkus, John <konkus.john@epa.gov>; Brown, Byron <brown.byron@epa.gov>  
>>>>> Subject: Re: CERA  
>>>>>  
>>>>> Aaron, please provide the schedule for CERA. Thank you.  
>>>>>  
>>>>> Sent from my iPhone  
>>>>>  
>>>>>> On Mar 7, 2017, at 7:56 AM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:  
>>>>>>  
>>>>>> Samantha can you confirm the format for CERA? The schedule shows him at 12:45 to 2 with a moderator. I'm sure it includes q&a but is it the whole time?  
>>>>>>

## Ex. 5 - Deliberative Process



## Ex. 5 - Deliberative Process

>>>>>

>>>>> Finally, I know we have a lot of requests for meetings that day. Do we have a line up schedule for Thursday yet?

>>>>>

>>>>> Ryan Jackson

>>>>> Chief of Staff

>>>>> U.S. EPA

>>>>> Ex. 6 - Personal Privacy

>>>>> <DRAFT Trip Schedule for Houston 3.8-9.17.docx>

**To:** Jackson, Ryan[jackson.ryan@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Wed 3/29/2017 2:23:45 PM  
**Subject:** FW: For Ray Review: Updated Release

FYI we are rolling on this.

**Ex. 5 - Deliberative Process**

**From:** Dravis, Samantha  
**Sent:** Wednesday, March 29, 2017 10:21 AM  
**To:** 'Starling, Ray A. EOP/WHO' <[starling.ra@epa.gov](mailto:starling.ra@epa.gov)>  
**Subject:** FW: For Ray Review: Updated Release

**Ex. 6 - Personal Privacy**

## **Ex. 5 - Deliberative Process**

**From:** Bowman, Liz  
**Sent:** Wednesday, March 29, 2017 10:19 AM  
**To:** Freire, JP <[Freire.JP@epa.gov](mailto:Freire.JP@epa.gov)>  
**Cc:** Dravis, Samantha <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)>; Konkus, John <[konkus.john@epa.gov](mailto:konkus.john@epa.gov)>  
**Subject:** For Ray Review: Updated Release

## **Ex. 5 - Deliberative Process**

# **Ex. 5 - Deliberative Process**

###

**To:** Jackson, Ryan[jackson.ryan@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]; Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]; Beck, Nancy[beck.nancy@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Wed 5/3/2017 6:02:15 PM  
**Subject:** RE: EPA sends WOTUS repeal to OMB

Okay.. but just for the record, we had multiple calls with OMB that included Jim Laity. Like.. he had a briefing. Several.

**From:** Jackson, Ryan  
**Sent:** Wednesday, May 03, 2017 2:01 PM  
**To:** Dravis, Samantha <dravis.samantha@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>  
**Subject:** FW: EPA sends WOTUS repeal to OMB

For CPP and the TSCA rules, OMB, specifically Jim Laity, would like us to do a briefing for them on what's coming before we pull the trigger. CPP and TSCA will be involved much more so than WOTUS. I love this is in the news though.

**From:** POLITICO Pro [<mailto:politicoemail@politicopro.com>]  
**Sent:** Wednesday, May 3, 2017 1:49 PM  
**To:** Jackson, Ryan <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)>  
**Subject:** EPA sends WOTUS repeal to OMB

By Annie Snider

05/03/2017 01:19 PM EDT

EPA has sent its proposal for repealing the Obama administration's controversial water rule to the White House for interagency review.

An EPA spokeswoman confirmed that the rule sent to the White House Office of Management and Budget's Office of Information and Regulatory Affairs Tuesday is a proposal to repeal the Waters of the U.S. rule. It is the first step in a two step process the Trump administration is planning to undo and replace WOTUS.

EPA staffers told groups representing state and local officials that the proposed rule would rescind the Obama administration rule and formally put back in place the 1986 guidance that has long governed the federal government's decisions about which streams and wetlands receive federal protection under the Clean Water Act.

The Obama administration rule only briefly went into effect in 2015 before being put on hold by the 6th Circuit Court of Appeals. However, there is debate about whether the 6th Circuit is the place where court challenges are supposed to be heard, and the Supreme Court has agreed to take up the question later this year. If justices decide the 6th Circuit is the wrong venue, the current hold would be dissolved and the Obama administration rule could go into effect — unless the Trump administration rescinds it first.

Trump's EPA has indicated it plans to move swiftly to repeal and replace the Obama administration rule, with ideas and comments from state and local officials on the issue due to EPA June 19.

**WHAT'S NEXT:** The White House OMB will review the proposed rule before it is published in the *Federal Register*, triggering a public comment period. In the meantime, the agency is working on a new rule to define the scope of federal water protections keying off a different legal standard.

*To view online:*

<https://www.politicopro.com/energy/whiteboard/2017/05/epa-sends-wotus-repeal-to-omb-087212>

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1000 Wilson Blvd. Arlington, VA, 22209, USA

**To:** Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]  
**Cc:** Jackson, Ryan[jackson.ryan@epa.gov]; Freire, JP[Freire.JP@epa.gov]; Greenwalt, Sarah[greenwalt.sarah@epa.gov]; Brown, Byron[brown.byron@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Tue 4/4/2017 8:57:03 PM  
**Subject:** Re: RE:

Sorry was engrossed in a mtg on my way

Sent from my iPhone

> On Apr 4, 2017, at 4:29 PM, Gunasekara, Mandy <Gunasekara.Mandy@epa.gov> wrote:  
>  
> coming  
>  
> -----Original Message-----  
> From: Jackson, Ryan  
> Sent: Tuesday, April 4, 2017 4:28 PM  
> To: Freire, JP <Freire.JP@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Greenwalt, Sarah <greenwalt.sarah@epa.gov>; Brown, Byron <brown.byron@epa.gov>  
> Subject:  
>  
> Please come to administrators office immediately.  
>  
> Ryan Jackson  
> Chief of Staff  
> U.S. EPA  
> 

Ex. 6 - Personal Privacy

**To:** Hupp, Sydney[hupp.sydney@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Sun 5/14/2017 2:12:24 PM  
**Subject:** RE: On behalf of Bernie Nash

Thanks, I declined as well

**From:** Hupp, Sydney  
**Sent:** Friday, May 12, 2017 4:43 PM  
**To:** Jackson, Ryan <jackson.ryan@epa.gov>  
**Cc:** Dravis, Samantha <dravis.samantha@epa.gov>  
**Subject:** FW: On behalf of Bernie Nash

For your awareness. I will be declining for the Administrator.

---

**Sydney Hupp**

Executive Scheduler

Office of the Administrator

Ex. 6 - Personal Privacy (C)

**From:** Keith, Jennie  
**Sent:** Friday, May 12, 2017 3:50 PM  
**To:** Hupp, Sydney <hupp.sydney@epa.gov>  
**Cc:** Hupp, Millan <hupp.millan@epa.gov>  
**Subject:** On behalf of Bernie Nash

Hi Sydney,

OGC/Ethics advises to either **decline** this invitation **or** have the Administrator **pay to**

**attend**. Based on our brief telephone call, the invitation did not originate from the host of the event; instead a law firm invited the Administrator (an important fact in the ethics analysis). Furthermore, it is not clear whether a federally registered lobbyist issued the invitation. See the following for more complete details and let me know if I can of further assistance.

Best,

Jennie for OGC/Ethics

202-564-3412

### **White House Ethics Pledge**

The White House Ethics Pledge does not allow political appointees to accept gifts from registered lobbyists. OGC/Ethics needs clarification to make the determination whether the person is a lobbyist since it's not clear whether the law firm or its lobbying arm is issuing the invitation. The attorney connected to the invitation works for both sides of the business. If we were to conclude that a lobbyist issued the invitation, then the analysis would stop here and, if the official wanted to attend, then he would personally pay for his own ticket.

### **Acceptance of Free Attendance to a Dinner Gala (WAG rule)**

This gift offered is a gift of free attendance to a reception and dinner gala hosted by the Burton Awards. Therefore, we must analyze it according the gift rules. Generally, federal employees are prohibited from accepting gifts given because of their official position or given by a prohibited source – typically a person either regulated by or seeking to do business with the EPA. In this instance, this is a gift offered because of the official's position and also by a prohibited source. There are exceptions to this rule to allow employees to accept some gifts, and in this instance, only the WAG rule is available for analysis under the gift rules. Here, because the law firm is offering the gift and not the host of the event (Burton Awards), then there is a threshold dollar limit that determines whether acceptance is permissible. When a person other than the host issues the invitation, a federal employee may be eligible to accept the invitation if the value is less than \$375. Based on ticket pricing for this event, the minimum value of the



gift is at least \$5,688. Because the gift is over the threshold limit, it is not permissible to accept it. The only way the official could attend is by personally paying for his own ticket. Should the official want to pay to attend, please follow up so I can confirm the exact value of the gift.

**From:** Hupp, Sydney  
**Sent:** Tuesday, May 09, 2017 9:47 AM  
**To:** Keith, Jennie <[Keith.Jennie@epa.gov](mailto:Keith.Jennie@epa.gov)>  
**Cc:** Hupp, Millan <[hupp.millan@epa.gov](mailto:hupp.millan@epa.gov)>  
**Subject:** FW: On behalf of Bernie Nash

Would he be able to attend this?

---

**Sydney Hupp**

Executive Scheduler

Office of the Adminsitrator

Ex. 6 - Personal Privacy (C)

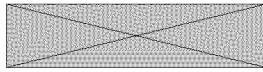
**From:** Lundahl, Emily [<mailto:ELundahl@cozen.com>]  
**Sent:** Monday, May 8, 2017 12:48 PM  
**To:** Hupp, Sydney <[hupp.sydney@epa.gov](mailto:hupp.sydney@epa.gov)>  
**Subject:** RE: On behalf of Bernie Nash

Sydney,

Please see attached. Let me know if you have further questions.

Thank you,

Emily



**Emily Lundahl**  
**Policy Coordinator | Cozen O'Connor**  
1200 19th Street, NW | Washington, DC 20036  
P: 202-471-3424 F: 202-912-4812  
[Email](#) | [Bio](#) | [Map](#) | [cozen.com](#)

**From:** Hupp, Sydney [<mailto:hupp.sydney@epa.gov>]

**Sent:** Monday, May 8, 2017 12:42 PM

**To:** Lundahl, Emily <[ELundahl@cozen.com](mailto:ELundahl@cozen.com)>

**Cc:** Millan Hupp <[Ex. 6 - Personal Privacy](#)>; Dickerson, Aaron <[dickerson.aaron@epa.gov](mailto:dickerson.aaron@epa.gov)>

**Subject:** RE: On behalf of Bernie Nash

Hey Emily,

So the Administrator has an event that night until 6. What are the details (attire, time, location) on the Burton Awards?

Thank you!

---

**Sydney Hupp**

Executive Scheduler

Office of the Administrator

[Ex. 6 - Personal Privacy](#) (C)

**From:** Hupp, Sydney

**Sent:** Thursday, April 20, 2017 4:21 PM  
**To:** 'Lundahl, Emily' <ELundahl@cozen.com>  
**Cc:** Millan Hupp <[REDACTED] Ex. 6 - Personal Privacy>; Dickerson, Aaron <dickerson.aaron@epa.gov>  
**Subject:** RE: On behalf of Bernie Nash

Oh, I'm sorry! I misread that. Let me touch base with the Administrator on it, but I think we are in town that day.

Thanks!

Sydney Hupp

Office of the Administrator- Scheduling

[REDACTED] Ex. 6 - Personal Privacy

**From:** Lundahl, Emily [mailto:ELundahl@cozen.com]  
**Sent:** Thursday, April 20, 2017 10:12 AM  
**To:** Hupp, Sydney <hupp.sydney@epa.gov>  
**Cc:** Millan Hupp <[REDACTED] Ex. 6 - Personal Privacy>; Dickerson, Aaron <dickerson.aaron@epa.gov>  
**Subject:** RE: On behalf of Bernie Nash

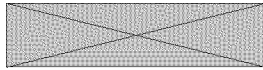
Hi Sydney,

I think there is slight confusion. We are not inviting Administrator Pruitt to speak, which the form suggests otherwise. My message was just to let you all know that The Burton Awards would be sending an invitation for him to attend as a **guest**, and if he does attend that Bernie would like to invite him to sit at his table. Administrator Pruitt spoke a few years back at this event, so he should be familiar with it.

Please let me know if you still need me to fill out the form, though.

Thank you,

Emily



**Emily Lundahl**  
**Policy Coordinator | Cozen O'Connor**  
1200 19th Street, NW | Washington, DC 20036  
P: 202-471-3424 F: 202-912-4812  
[Email](#) | [Map](#) | [cozen.com](#)

**From:** Hupp, Sydney [<mailto:hupp.sydney@epa.gov>]  
**Sent:** Thursday, April 20, 2017 9:41 AM  
**To:** Lundahl, Emily <[ELundahl@cozen.com](mailto:ELundahl@cozen.com)>  
**Cc:** Millan Hupp [**Ex. 6 - Personal Privacy**]; Dickerson, Aaron <[dickerson.aaron@epa.gov](mailto:dickerson.aaron@epa.gov)>  
**Subject:** RE: On behalf of Bernie Nash

Hi Emily,

Hope this email finds you well! So sorry for the delay! Would you mind filling out the attached form pretty please so we can look at calendaring this request?

Thank you!

Sydney Hupp

Office of the Administrator- Scheduling

[**Ex. 6 - Personal Privacy**]

**From:** Millan Hupp [[mailto:](#) [**Ex. 6 - Personal Privacy**]]

**Sent:** Wednesday, April 12, 2017 6:31 PM  
**To:** Hupp, Sydney <[hupp.sydney@epa.gov](mailto:hupp.sydney@epa.gov)>  
**Subject:** Fwd: On behalf of Bernie Nash

Millan Hupp

Begin forwarded message:

**From:** "Lundahl, Emily" <[ELundahl@cozen.com](mailto:ELundahl@cozen.com)>  
**Date:** April 12, 2017 at 11:57:17 AM EDT  
**To:** Millan Hupp Ex. 6 - Personal Privacy  
**Subject:** RE: On behalf of Bernie Nash

Hi Millan,

I have not heard from Sydney so I thought I would touch base again.

Thank you,

Emily

 **Emily Lundahl**  
**Policy Coordinator | Cozen O'Connor**  
1200 19th Street, NW | Washington, DC 20036  
P: 202-471-3424 F: 202-912-4812  
[Email](#) | [Map](#) | [cozen.com](http://cozen.com)

**From:** Millan Hupp [[mailto:](#) Ex. 6 - Personal Privacy]  
**Sent:** Saturday, April 8, 2017 9:24 AM  
**To:** Lundahl, Emily <[ELundahl@cozen.com](mailto:ELundahl@cozen.com)>  
**Subject:** Re: On behalf of Bernie Nash

Emily,

Great to hear from you! I have passed this along to Sydney who handles all the scheduling. She should be in touch on Monday.

Thank you.

Millan Hupp

On Apr 7, 2017, at 4:50 PM, Lundahl, Emily <[ELundahl@cozen.com](mailto:ELundahl@cozen.com)> wrote:

Hi Millan,

Hope you are well. Bernie wanted me to let you know that Administrator Pruitt will be receiving an invitation to the Burton Awards from Bill Burton. You may recall that the Administrator spoke at one of the luncheons a few years ago in his AG capacity. The Burton Awards will take place on Monday, May 22. If he is able to attend, Bernie would like to invite him to sit at his table with Lori Kalani and Senator Luther Strange who has said he would be attending. Administrator Pruitt's wife or a staff member is also invited.

Let me know if you have any questions.

Thank you,

Emily

 **Emily Lundahl**  
**Policy Coordinator | Cozen O'Connor**  
1200 19th Street, NW | Washington, DC 20036  
P: 202-471-3424 F: 202-912-4812  
[Email](#) | [Map](#) | [cozen.com](http://cozen.com)

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***is responsible for delivering it to the intended recipient, or you believe that you have received this communication in error, please notify the sender immediately by return e-mail and promptly delete this e-mail, including attachments without reading or saving them in any manner. The unauthorized use, dissemination, distribution, or reproduction of this e-mail, including attachments, is prohibited and may be unlawful. Receipt by anyone other than the intended recipient(s) is not a waiver of any attorney/client or other privilege.***



**To:** Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]; Greenwalt, Sarah[greenwalt.sarah@epa.gov]; Brown, Byron[brown.byron@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]; Schwab, Justin[schwab.justin@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Wed 5/3/2017 4:19:08 PM  
**Subject:** FW: Federal Register - hold up for next week

This is ridiculous, but FYI.

**From:** Rees, Sarah  
**Sent:** Wednesday, May 03, 2017 12:17 PM  
**To:** Dravis, Samantha <dravis.samantha@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Kenny, Shannon <Kenny.Shannon@epa.gov>  
**Cc:** Kime, Robin <Kime.Robin@epa.gov>  
**Subject:** Federal Register - hold up for next week

Hi folks- I just learned that the Office of Federal Register is moving offices next week. This means that M-F next week they will have limited ability to process FR notices for publication. I suggest we clear out anything that is time sensitive this week, and also clear out a new batch of full SIP approvals that we have. I will also raise for awareness at our hot topics meeting today in case there is something hanging out there that has a deadline for next week that I am not aware of.

Cheers,

Sarah

**Sarah L. Rees, Ph.D.**

Director, Office of Regulatory Policy & Management

US EPA – Office of Policy

(202) 564-1986 (o) | Ex. 6 - Personal Privacy (m)

**To:** Kenny, Shannon[Kenny.Shannon@epa.gov]  
**Bcc:** Greaves, Holly[greaves.holly@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov];

**Ex. 6 - Personal Privacy**

**From:** Dravis, Samantha  
**Sent:** Thur 3/23/2017 12:13:00 PM  
**Subject:** RE: Sectors

Shannon,

## Ex. 5 - Deliberative Process

Samantha

-----Original Message-----

**From:** Kenny, Shannon  
**Sent:** Wednesday, March 22, 2017 6:18 PM  
**To:** Dravis, Samantha <dravis.samantha@epa.gov>  
**Subject:** Sectors

## Ex. 5 - Deliberative Process

Sent from my iPhone

**To:** Rees, Sarah[rees.sarah@epa.gov]  
**Cc:** Kime, Robin[Kime.Robin@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Wed 5/3/2017 4:18:22 PM  
**Subject:** RE: C&T FR Package

Let's have it autopenned today, please and ready to submit first thing tomorrow morning. RJ, heads up that we will need autopopen authorization on the pesticide applicator rule extension today

**From:** Rees, Sarah  
**Sent:** Wednesday, May 03, 2017 12:13 PM  
**To:** Dravis, Samantha <dravis.samantha@epa.gov>  
**Cc:** Kime, Robin <Kime.Robin@epa.gov>  
**Subject:** C&T FR Package

Hey Samantha – we have the package from OCSPP. Unfortunately, there are some things we have to fix – and it is past noon.

At this point, I don't think the package can go today; it would have to be finalized, autopenned and someone in a cab by 1:30 to make the 2pm cut off. I think our options are whether we want it autopenned or to have Administrator Pruitt sign it. I believe he is out today but back tomorrow. Let me know how you would like to proceed.

Sorry to be the bearer of bad news....

Sarah

**Sarah L. Rees, Ph.D.**

Director, Office of Regulatory Policy & Management

US EPA – Office of Policy

(202) 564-1986 (o) | Ex. 6 - Personal Privacyn)



**To:** Jackson, Ryan[jackson.ryan@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Tue 4/18/2017 2:09:49 PM  
**Subject:** RE: RE:

The call in info changes every day.

-----Original Message-----

From: Jackson, Ryan  
Sent: Tuesday, April 18, 2017 10:04 AM  
To: Dravis, Samantha <dravis.samantha@epa.gov>  
Subject: Re: RE:

Shoot me the call in information.

Ryan Jackson  
Chief of Staff  
U.S. EPA

Ex. 6 - Personal Privacy

> On Apr 18, 2017, at 9:56 AM, Dravis, Samantha <dravis.samantha@epa.gov> wrote:

>

> I thought he talked to you about that? Yes, I need to pass it off.

>

> -----Original Message-----

> From: Jackson, Ryan

> Sent: Tuesday, April 18, 2017 9:18 AM

> To: Dravis, Samantha <dravis.samantha@epa.gov>

> Subject:

>

## Ex. 5 - Deliberative Process

>

> Ryan Jackson

> Chief of Staff

> U.S. EPA

> Ex. 6 - Personal Privacy

**To:** Jackson, Ryan[jackson.ryan@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Fri 5/12/2017 9:53:47 PM  
**Subject:** Re:

Was on the phone, are you still here?

Sent from my iPhone

On May 12, 2017, at 5:22 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

Sure. Want to come on down?

Ryan Jackson  
Chief of Staff  
U.S. EPA

Ex. 6 - Personal Privacy

On May 12, 2017, at 4:30 PM, Dravis, Samantha <dravis.samantha@epa.gov> wrote:

There are several things that SP asked me to work with you on, could you please call me at your convenience.

**To:** Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]; Brown, Byron[brown.byron@epa.gov]; Greenwalt, Sarah[greenwalt.sarah@epa.gov]; Bennett, Tate[Bennett.Tate@epa.gov]; Lyons, Troy[lyons.troy@epa.gov]; Wagner, Kenneth[wagner.kenneth@epa.gov]; Beck, NancyB[beck.nancyb@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]  
**Cc:** Jackson, Ryan[jackson.ryan@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Wed 5/3/2017 3:31:02 PM  
**Subject:** Updates to Issues Tracker  
[OP Issues Tracker \(003\).docx](#)

Hi everyone,

I am working to update the list of policy and other major items that each member of our political team is working on so that our list is up to date and accurate. Attached is the template I have been working from. It would be great if everyone here could respond to me via email on all of the issues, regs, or major cases you're working on and the status of them so that I can update the tracker with the latest info.

These are informative for the 8am meetings and just so we are all on the same page generally. Don't worry about making updates in the document yourself, just send an email in whatever format is best for you and I will update it and then re-distribute to the group.

Thank you!

Samantha

OFFICE OF POLICY ISSUES TRACKER

	Issue	Summary	Staffer	Action Items	Deadline or milestone?	Next Step
<div>Ex. 5 - Deliberative Process</div>						



# **Ex. 5 - Deliberative Process**

# **Ex. 5 - Deliberative Process**

# **Ex. 5 - Deliberative Process**

# **Ex. 5 - Deliberative Process**

# **Ex. 5 - Deliberative Process**

**To:** Jackson, Ryan[jackson.ryan@epa.gov]  
**Cc:** Bolen, Brittany[bolen.brittany@epa.gov]; Freire, JP[Freire.JP@epa.gov]; Bowman, Liz[Bowman.Liz@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Fri 5/12/2017 9:53:15 PM  
**Subject:** Re: ORD Scientific Integrity Event

## Ex. 5 - Deliberative Process

Sent from my iPhone

On May 12, 2017, at 5:29 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

## Ex. 5 - Deliberative Process

## Ex. 5 - Deliberative Process

**From:** Dravis, Samantha  
**Sent:** Friday, May 12, 2017 2:41 PM  
**To:** Jackson, Ryan <jackson.ryan@epa.gov>  
**Cc:** Bolen, Brittany <bolen.brittany@epa.gov>; Freire, JP <Freire.JP@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>  
**Subject:** FW: ORD Scientific Integrity Event

Ryan:

## Ex. 5 - Deliberative Process

**From:** Freire, JP  
**Sent:** Thursday, May 11, 2017 12:13 PM  
**To:** Dravis, Samantha <dravis.samantha@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>  
**Cc:** Bowman, Liz <Bowman.Liz@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>  
**Subject:** FW: ORD Scientific Integrity Event

# Ex. 5 - Deliberative Process

Center for Progressive Reform  
Project on Government Oversight  
Environmental Defense Fund  
George Washington University  
American Chemistry  
Union of Concerned Scientists  
Society for Conservation Biology  
Natural Resources Defense Council  
American Association for the Advancement of Science  
American Geophysical Union  
Public Employees for Environmental Responsibility  
Global Women's Institute (George Washington University)  
Natural Resources Defense Council  
Environmental Defense Fund  
George Washington University  
Project on Government Oversight  
Society of Environmental Journalists  
Public Citizen  
Open the Government  
American Lung Association  
American Lung Association  
Society of Professional Journalists  
Society of Professional Journalists  
Health Effects Institute  
Reporters Committee for Freedom of the Press  
Investigative Reporters and Editors  
Environmental Integrity Project  
Wisconsin Public Radio  
Health Effects Institute  
Federation of American Societies for Experimental Biology  
Federation of American Societies for Experimental Biology  
Global Biodiversity Center (Colorado State University)  
American Association for the Advancement of Science  
Union of Concerned Scientists  
American Federation of Labor and Congress of Industrial  
Organizations  
American Chemical Society  
National Center for Health Research

George Washington University  
World Resources Institute  
Resources for the Future  
Demos  
Earthjustice  
Public Citizen  
Union of Concerned Scientists

**From:** Grantham, Nancy  
**Sent:** Thursday, May 11, 2017 12:09 PM  
**To:** Freire, JP <[Freire.JP@epa.gov](mailto:Freire.JP@epa.gov)>  
**Subject:** FW: ORD Scientific Integrity Event

This is the save the date that went out – see stakeholder list attached ..thanks

**Nancy Grantham**  
**Office of Public Affairs**  
**US Environmental Protection Agency**  
**202-564-6879 (desk)**

Ex. 6 - Personal Privacy (mobile)

**From:** Burden, Susan  
**Sent:** Wednesday, May 10, 2017 10:40 AM  
**To:** Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto:Grantham.Nancy@epa.gov)>  
**Subject:** RE: ORD Scientific Integrity Event

It turns out that the save-the-date email went out Monday afternoon. Attached is a list of the



email recipients, and here is the text of the email:

Subject: EPA Scientific Integrity Annual Stakeholder Meeting

Greetings,

It is my pleasure to invite you to the U.S. Environmental Protection Agency's (EPA's) Scientific Integrity Annual Stakeholder Meeting. At this meeting, as the EPA Scientific Integrity Official, I will answer your questions, share current scientific integrity initiatives, and discuss future plans for scientific integrity at EPA. Details are as follows:

EPA Scientific Integrity Annual Stakeholder Meeting

Wednesday, June 14th, 2017

3:00-5:00 PM

Ronald Reagan Building Mezzanine, Room 301 A-B

RSVP Required: [scientific\\_integrity@epa.gov](mailto:scientific_integrity@epa.gov)<mailto:scientific\_integrity@epa.gov>

Audioconference No: Ex. 6 - Personal Privacy code: Ex. 6 - Personal Privacy

Adobe Connect Link: Ex. 6 - Personal Privacy

\*To access this meeting, attendees must check in with security using a valid government-issued photo ID. All attendees should RSVP to facilitate their admittance to the building.

I hope that you will join me to learn more about how we are ensuring a culture of scientific integrity at EPA.

Sincerely,

Francesca T. Grifo, Ph. D.

Scientific Integrity Official

US EPA Office of the Science Advisor

202-564-1687

<http://www.epa.gov/osa/basic-information-about-scientific-integrity>

**From:** Grantham, Nancy

**Sent:** Wednesday, May 10, 2017 8:47 AM

**To:** Burden, Susan <[Burden.Susan@epa.gov](mailto:Burden.Susan@epa.gov)>

**Subject:** Re: ORD Scientific Integrity Event

At pads meeting

On May 10, 2017, at 8:05 AM, Burden, Susan <[Burden.Susan@epa.gov](mailto:Burden.Susan@epa.gov)> wrote:

Do you have time to talk before the 8:30?

Thanks,

Susan

Special Assistant (ORD, OCSPP, OCHP, SAB)

Office of the Administrator

U.S. Environmental Protection Agency

Phone: (202) 564-6308 | (202) 740-0169

On May 10, 2017, at 6:41 AM, Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto:Grantham.Nancy@epa.gov)> wrote:

I picked up on it as well – let's talk

**Nancy Grantham**

**Office of Public Affairs**

**US Environmental Protection Agency**

**202-564-6879 (desk)**

**Ex. 6 - Personal Privacy** **mobile)**

**From:** Burden, Susan

**Sent:** Tuesday, May 09, 2017 11:24 AM

**To:** Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto:Grantham.Nancy@epa.gov)>

**Subject:** ORD Scientific Integrity Event

Hi Nancy,

This was in ORD's weekly report from last week:

**Save the Date for June 14 Annual Stakeholder Meeting on Scientific Integrity**

Next week, save the date notifications will be sent out about the Annual Scientific Integrity Program Stakeholder Meeting. EPA will host the meeting on June 14<sup>th</sup>. It is an opportunity for external stakeholders to hear about scientific integrity updates from the Scientific Integrity Official.

Is this on your radar? Can we chat about this when you have a minute?

Thanks,

Susan

Special Assistant (ORD, OCSPP, OCHP, SAB)

Office of the Administrator

U.S. Environmental Protection Agency

Phone: (202) 564-6308 | (202) 740-0169

**To:** Freire, JP[Freire.JP@epa.gov]  
**Cc:** Jackson, Ryan[jackson.ryan@epa.gov]; Rees, Sarah[rees.sarah@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]; Kime, Robin[Kime.Robin@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Tue 3/28/2017 4:02:19 PM  
**Subject:** Re: EO FR notices

Does that mean yay or nay on the photo op

Sent from my iPhone

On Mar 28, 2017, at 12:01 PM, Freire, JP <Freire.JP@epa.gov> wrote:

I think given the incoming we've had this week, it makes sense to just push ahead today.

**From:** Dravis, Samantha  
**Sent:** Tuesday, March 28, 2017 11:42 AM  
**To:** Jackson, Ryan <jackson.ryan@epa.gov>  
**Cc:** Rees, Sarah <rees.sarah@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Kime, Robin <Kime.Robin@epa.gov>; Freire, JP <Freire.JP@epa.gov>  
**Subject:** RE: EO FR notices

If we are to do this today, I need these on my desk ASAP. Sarah or Robin can you arrange?

**From:** Jackson, Ryan  
**Sent:** Tuesday, March 28, 2017 11:41 AM  
**To:** Dravis, Samantha <dravis.samantha@epa.gov>  
**Cc:** Rees, Sarah <rees.sarah@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Kime, Robin <Kime.Robin@epa.gov>; Freire, JP <Freire.JP@epa.gov>  
**Subject:** Re: EO FR notices

I'm for it. JP today, tomorrow, have you had any further convo with Pruitt?

Ryan Jackson

Chief of Staff

U.S. EPA

**Ex. 6 - Personal Privacy**

On Mar 28, 2017, at 10:59 AM, Dravis, Samantha <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)> wrote:

Photo op could be Pruitt in the map room afterward signing the FR notices.. or just at his desk. Let me know thoughts.

**From:** Dravis, Samantha  
**Sent:** Tuesday, March 28, 2017 10:58 AM  
**To:** Rees, Sarah <[rees.sarah@epa.gov](mailto:rees.sarah@epa.gov)>; Bolen, Brittany <[bolen.brittany@epa.gov](mailto:bolen.brittany@epa.gov)>  
**Cc:** Kime, Robin <[Kime.Robin@epa.gov](mailto:Kime.Robin@epa.gov)>; Freire, JP <[Freire.JP@epa.gov](mailto:Freire.JP@epa.gov)>; Jackson, Ryan <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)>  
**Subject:** RE: EO FR notices

If you can give them to me I will take them to him to sign. Might be a good photo op. Copying in JP and Ryan to see if they like that idea.

**From:** Rees, Sarah  
**Sent:** Tuesday, March 28, 2017 9:59 AM  
**To:** Dravis, Samantha <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)>; Bolen, Brittany <[bolen.brittany@epa.gov](mailto:bolen.brittany@epa.gov)>  
**Cc:** Kime, Robin <[Kime.Robin@epa.gov](mailto:Kime.Robin@epa.gov)>  
**Subject:** EO FR notices

Hi Samantha – the FR notices associated with today’s EO – we have a variety of ways we can handle them. Would you like them to come through OP and you can provide them to the Administrator to sign, or should we just process them through OEX?

**Sarah L. Rees, Ph.D.**

Director, Office of Regulatory Policy & Management

US EPA – Office of Policy

(202) 564-1986 (o) Ex. 6 - Personal Privacy (m)

**To:** Rees, Sarah[rees.sarah@epa.gov]  
**Cc:** Jackson, Ryan[jackson.ryan@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]; Kime, Robin[Kime.Robin@epa.gov]; Freire, JP[Freire.JP@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Tue 3/28/2017 3:55:42 PM  
**Subject:** Re: EO FR notices

Thank you

Sent from my iPhone

On Mar 28, 2017, at 11:52 AM, Rees, Sarah <rees.sarah@epa.gov> wrote:

Trying to find them – they were supposed to get here at 11:30 and haven't yet. I've sent Nicole to retrieve them from OAR.

**From:** Dravis, Samantha  
**Sent:** Tuesday, March 28, 2017 11:42 AM  
**To:** Jackson, Ryan <jackson.ryan@epa.gov>  
**Cc:** Rees, Sarah <rees.sarah@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Kime, Robin <Kime.Robin@epa.gov>; Freire, JP <Freire.JP@epa.gov>  
**Subject:** RE: EO FR notices

If we are to do this today, I need these on my desk ASAP. Sarah or Robin can you arrange?

**From:** Jackson, Ryan  
**Sent:** Tuesday, March 28, 2017 11:41 AM  
**To:** Dravis, Samantha <dravis.samantha@epa.gov>  
**Cc:** Rees, Sarah <rees.sarah@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Kime, Robin <Kime.Robin@epa.gov>; Freire, JP <Freire.JP@epa.gov>  
**Subject:** Re: EO FR notices

I'm for it. JP today, tomorrow, have you had any further convo with Pruitt?

Ryan Jackson



Chief of Staff

U.S. EPA

Ex. 6 - Personal Privacy

On Mar 28, 2017, at 10:59 AM, Dravis, Samantha <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)> wrote:

Photo op could be Pruitt in the map room afterward signing the FR notices.. or just at his desk. Let me know thoughts.

**From:** Dravis, Samantha

**Sent:** Tuesday, March 28, 2017 10:58 AM

**To:** Rees, Sarah <[rees.sarah@epa.gov](mailto:rees.sarah@epa.gov)>; Bolen, Brittany <[bolen.brittany@epa.gov](mailto:bolen.brittany@epa.gov)>

**Cc:** Kime, Robin <[Kime.Robin@epa.gov](mailto:Kime.Robin@epa.gov)>; Freire, JP <[Freire.JP@epa.gov](mailto:Freire.JP@epa.gov)>; Jackson, Ryan <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)>

**Subject:** RE: EO FR notices

If you can give them to me I will take them to him to sign. Might be a good photo op. Copying in JP and Ryan to see if they like that idea.

**From:** Rees, Sarah

**Sent:** Tuesday, March 28, 2017 9:59 AM

**To:** Dravis, Samantha <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)>; Bolen, Brittany <[bolen.brittany@epa.gov](mailto:bolen.brittany@epa.gov)>

**Cc:** Kime, Robin <[Kime.Robin@epa.gov](mailto:Kime.Robin@epa.gov)>

**Subject:** EO FR notices

Hi Samantha – the FR notices associated with today’s EO – we have a variety of ways we can handle them. Would you like them to come through OP and you can provide them to the Administrator to sign, or should we just process them through OEX?

**Sarah L. Rees, Ph.D.**

Director, Office of Regulatory Policy & Management

US EPA – Office of Policy

(202) 564-1986 (o) | Ex. 6 - Personal Privacy (m)

**To:** Bowman, Liz[Bowman.Liz@epa.gov]  
**Cc:** Jackson, Ryan[jackson.ryan@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Fri 4/21/2017 2:08:09 PM  
**Subject:** Re: RE:

Regulatory impact analysis

Sent from my iPhone

> On Apr 21, 2017, at 9:59 AM, Bowman, Liz <Bowman.Liz@epa.gov> wrote:

>

> Done, what is RIA?

>

> -----Original Message-----

> From: Dravis, Samantha

> Sent: Friday, April 21, 2017 7:40 AM

> To: Bowman, Liz <Bowman.Liz@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>

> Subject: FW:

**Ex. 5 - Deliberative Process**

>

>

> -----Original Message-----

> From: McGartland, Al

> Sent: Friday, April 21, 2017 7:36 AM

> To: Dravis, Samantha <dravis.samantha@epa.gov>

> Cc: Nickerson, William <Nickerson.William@epa.gov>; Greenwalt, Sarah <greenwalt.sarah@epa.gov>;

Bowman, Liz <Bowman.Liz@epa.gov>

> Subject: Re:

>

> As we discussed , the first step has no costs savings (or forgone benefit). The second step would be fairly big. It depends on what we assume states will do when we roll back jurisdictional waters. The RIA for the first WOTUS was about \$300 million.

**Ex. 5 - Deliberative Process**

**Ex. 5 - Deliberative Process**

>

> Sent from my iPhone

>

>> On Apr 21, 2017, at 7:24 AM, Dravis, Samantha <dravis.samantha@epa.gov> wrote:

>>

>> What are the cost savings we think will be associated with undoing WOTUS?

>>

>> Sent from my iPhone

**To:** Jackson, Ryan[jackson.ryan@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Tue 5/2/2017 3:53:44 PM  
**Subject:** RE:

Ok, I will call him to meet with him

**From:** Jackson, Ryan  
**Sent:** Monday, May 01, 2017 11:30 PM  
**To:** Dravis, Samantha <dravis.samantha@epa.gov>  
**Subject:** FW:

This is the young man who met with Pruitt.

**Ex. 6 - Personal Privacy**

**Ex. 6 - Personal Privacy** He's aware of the travel and commitment involved in the position, but is very interested. **Ex. 6 - Personal Privacy**

**From:** DC-WJCN-3402-M@epa.gov [mailto:DC-WJCN-3402-M@epa.gov]  
**Sent:** Monday, May 1, 2017 11:44 AM  
**To:** Jackson, Ryan <jackson.ryan@epa.gov>  
**Subject:**

**To:** Jackson, Ryan[jackson.ryan@epa.gov]  
**Cc:** Bolen, Brittany[bolen.brittany@epa.gov]; Freire, JP[Freire.JP@epa.gov]; Bowman, Liz[Bowman.Liz@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Fri 5/12/2017 6:40:43 PM  
**Subject:** FW: ORD Scientific Integrity Event  
[Stakeholder Invite list.xlsx](#)

Ryan:

## Ex. 5 - Deliberative Process

**From:** Freire, JP  
**Sent:** Thursday, May 11, 2017 12:13 PM  
**To:** Dravis, Samantha <dravis.samantha@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>  
**Cc:** Bowman, Liz <Bowman.Liz@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>  
**Subject:** FW: ORD Scientific Integrity Event

## Ex. 5 - Deliberative Process

Center for Progressive Reform  
Project on Government Oversight  
Environmental Defense Fund  
George Washington University  
American Chemistry  
Union of Concerned Scientists  
Society for Conservation Biology  
Natural Resources Defense Council  
American Association for the Advancement of Science  
American Geophysical Union  
Public Employees for Environmental Responsibility  
Global Women's Institute (George Washington University)  
Natural Resources Defense Council  
Environmental Defense Fund  
George Washington University  
Project on Government Oversight  
Society of Environmental Journalists

Public Citizen  
Open the Government  
American Lung Association  
American Lung Association  
Society of Professional Journalists  
Society of Professional Journalists  
Health Effects Institute  
Reporters Committee for Freedom of the Press  
Investigative Reporters and Editors  
Environmental Integrity Project  
Wisconsin Public Radio  
Health Effects Institute  
Federation of American Societies for Experimental Biology  
Federation of American Societies for Experimental Biology  
Global Biodiversity Center (Colorado State University)  
American Association for the Advancement of Science  
Union of Concerned Scientists  
American Federation of Labor and Congress of Industrial  
Organizations  
American Chemical Society  
National Center for Health Research  
George Washington University  
World Resources Institute  
Resources for the Future  
Demos  
Earthjustice  
Public Citizen  
Union of Concerned Scientists

**From:** Grantham, Nancy  
**Sent:** Thursday, May 11, 2017 12:09 PM  
**To:** Freire, JP <[Freire.JP@epa.gov](mailto:Freire.JP@epa.gov)>  
**Subject:** FW: ORD Scientific Integrity Event

This is the save the date that went out – see stakeholder list attached ..thanks

**Nancy Grantham**

Office of Public Affairs

US Environmental Protection Agency

202-564-6879 (desk)

Ex. 6 - Personal Privacy (mobile)

**From:** Burden, Susan  
**Sent:** Wednesday, May 10, 2017 10:40 AM  
**To:** Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto:Grantham.Nancy@epa.gov)>  
**Subject:** RE: ORD Scientific Integrity Event

It turns out that the save-the-date email went out Monday afternoon. Attached is a list of the email recipients, and here is the text of the email:

Subject: EPA Scientific Integrity Annual Stakeholder Meeting

Greetings,

It is my pleasure to invite you to the U.S. Environmental Protection Agency's (EPA's) Scientific Integrity Annual Stakeholder Meeting. At this meeting, as the EPA Scientific Integrity Official, I will answer your questions, share current scientific integrity initiatives, and discuss future plans for scientific integrity at EPA. Details are as follows:

EPA Scientific Integrity Annual Stakeholder Meeting

Wednesday, June 14th, 2017

3:00-5:00 PM

Ronald Reagan Building Mezzanine, Room 301 A-B

RSVP Required: [scientific\\_integrity@epa.gov](mailto:scientific_integrity@epa.gov)<[mailto:scientific\\_integrity@epa.gov](mailto:scientific_integrity@epa.gov)>

Audioconference No: Ex. 6 - Personal Privacy code Ex. 6 - Personal Privacy

Adobe Connect Link:

## Ex. 6 - Personal Privacy

\*To access this meeting, attendees must check in with security using a valid government-issued photo ID. All attendees should RSVP to facilitate their admittance to the building.

I hope that you will join me to learn more about how we are ensuring a culture of scientific integrity at EPA.

Sincerely,

Francesca T. Grifo, Ph. D.

Scientific Integrity Official

US EPA Office of the Science Advisor

202-564-1687

<http://www.epa.gov/osa/basic-information-about-scientific-integrity>

**From:** Grantham, Nancy

**Sent:** Wednesday, May 10, 2017 8:47 AM

**To:** Burden, Susan <[Burden.Susan@epa.gov](mailto:Burden.Susan@epa.gov)>

**Subject:** Re: ORD Scientific Integrity Event

At pads meeting



On May 10, 2017, at 8:05 AM, Burden, Susan <[Burden.Susan@epa.gov](mailto:Burden.Susan@epa.gov)> wrote:

Do you have time to talk before the 8:30?

Thanks,

Susan

Special Assistant (ORD, OCSPP, OCHP, SAB)

Office of the Administrator

U.S. Environmental Protection Agency

Phone: (202) 564-6308 | (202) 740-0169

On May 10, 2017, at 6:41 AM, Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto:Grantham.Nancy@epa.gov)> wrote:

I picked up on it as well – let's talk

**Nancy Grantham**

**Office of Public Affairs**

**US Environmental Protection Agency**

**202-564-6879 (desk)**

**Ex. 6 - Personal Privacy** **(mobile)**

**From:** Burden, Susan

**Sent:** Tuesday, May 09, 2017 11:24 AM

**To:** Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto:Grantham.Nancy@epa.gov)>

**Subject:** ORD Scientific Integrity Event

Hi Nancy,

This was in ORD's weekly report from last week:

**Save the Date for June 14 Annual Stakeholder Meeting on Scientific Integrity**

Next week, save the date notifications will be sent out about the Annual Scientific Integrity Program Stakeholder Meeting. EPA will host the meeting on June 14<sup>th</sup>. It is an opportunity for external stakeholders to hear about scientific integrity updates from the Scientific Integrity Official.

Is this on your radar? Can we chat about this when you have a minute?

Thanks,

Susan

Special Assistant (ORD, OCSPP, OCHP, SAB)

Office of the Administrator

U.S. Environmental Protection Agency

Phone: (202) 564-6308 | (202) 740-0169

**To:** Theresa Pugh[theresapughconsulting@gmail.com]; Jackson, Ryan[jackson.ryan@epa.gov]; Dunham, Sarah[Dunham.Sarah@epa.gov]; shapiro@epa.gov[shapiro@epa.gov]; brenn.barry@epa.gov[brenn.barry@epa.gov]; Starfield, Lawrence[Starfield.Lawrence@epa.gov]; Best-Wong, Benita[Best-Wong.Benita@epa.gov]

**Cc:** Kapplemann, Bob [Ex. 6 - Personal Privacy] [Ex. 6 - Personal Privacy]  
"amy zubaly ()"@domain.invalid["amy zubaly ()"@domain.invalid]

**From:** Dravis, Samantha

**Sent:** Fri 5/12/2017 5:58:45 PM

**Subject:** RE: EPA-HQ-OA-2017-0190 FMEA Submittal re Regulatory Reform (Consideration with EO 13777)

Thank you.

**From:** Theresa Pugh [mailto:theresapughconsulting@gmail.com]

**Sent:** Friday, May 12, 2017 1:04 PM

**To:** Dravis, Samantha <dravis.samantha@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Dunham, Sarah <Dunham.Sarah@epa.gov>; shapiro@epa.gov; brenn.barry@epa.gov; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Best-Wong, Benita <Best-Wong.Benita@epa.gov>

**Cc:** Kapplemann, Bob [Ex. 6 - Personal Privacy]; [Ex. 6 - Personal Privacy] "amy zubaly ()"@domain.invalid

**Subject:** EPA-HQ-OA-2017-0190 FMEA Submittal re Regulatory Reform (Consideration with EO 13777)

Good afternoon. These comments were submitted to [www.regulations.gov](http://www.regulations.gov) (Confirmation #1k1-8wcg-9kb4) earlier today. We are submitting these on behalf of Florida Municipal Electric Association (FMEA) a few days early since we know you have a very tight deadline. My colleagues and I are happy to answer any technical questions.

Have a good weekend.

Theresa

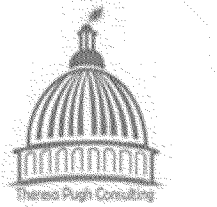
Theresa Pugh Consulting, LLC

2313 North Tracy Street

Alexandria, VA 22311

703-507-6843

[www.theresapughconsulting.com](http://www.theresapughconsulting.com)



**To:** Laura Kate Bender[Laura.Bender@lung.org]; Jackson, Ryan[jackson.ryan@epa.gov]  
**Cc:** Dunham, Sarah[Dunham.Sarah@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Tue 5/2/2017 11:55:18 AM  
**Subject:** RE: Comment for Docket ID No. EPA-HQ-OA-2017-0190

Thank you, Laura Kate.

**From:** Laura Kate Bender [mailto:Laura.Bender@lung.org]  
**Sent:** Monday, May 01, 2017 5:53 PM  
**To:** Dravis, Samantha <dravis.samantha@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>  
**Cc:** Dunham, Sarah <Dunham.Sarah@epa.gov>  
**Subject:** Comment for Docket ID No. EPA-HQ-OA-2017-0190

Attached please find additional comments from the American Lung Association for Docket ID No. EPA-HQ-OA-2017-0190. Thank you.

**To:** Jackson, Ryan[jackson.ryan@epa.gov]  
**Cc:** Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Tue 4/4/2017 2:50:45 PM  
**Subject:** RE: Middle TN RVP Waiver

It's on his desk in his office.

**From:** Jackson, Ryan  
**Sent:** Tuesday, April 4, 2017 10:49 AM  
**To:** Dravis, Samantha <dravis.samantha@epa.gov>  
**Cc:** Reeder, John <Reeder.John@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Rees, Sarah <rees.sarah@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>  
**Subject:** Re: Middle TN RVP Waiver

Mandy, can you be in hand to provide some context?

Also, thanks for working this up.

Ryan Jackson

Chief of Staff

U.S. EPA

Ex. 6 - Personal Privacy

On Apr 4, 2017, at 9:57 AM, Dravis, Samantha <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)> wrote:

John,

We have a document that needs the Administrator's signature today for the Federal Register. This somehow got held up and we're in another situation where this needs to move rather quickly. It is a waiver for the RVP requirements for Middle Tennessee. OP is preparing this to go up to OEX, but this is one that I would like to hand deliver to the Administrator and move forward as soon as I can catch him for signature.

All the necessary parties are aware and awaiting this – Ryan, Byron, Mandy Gunasekara, Brittany Bolen, etc.

Thanks in advance.

Samantha

**To:** Jackson, Ryan[jackson.ryan@epa.gov]  
**Cc:** Lyons, Troy[lyons.troy@epa.gov]; Bowman, Liz[Bowman.Liz@epa.gov]; Graham, Amy[graham.amy@epa.gov]; Palich, Christian[palich.christian@epa.gov]; Ringel, Aaron[ringel.aaron@epa.gov]; Bennett, Tate[Bennett.Tate@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]; Brown, Byron[brown.byron@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Fri 5/26/2017 1:42:41 PM  
**Subject:** Re: Responses to EPW Minority

Nicely done, thank you for sending!

On May 26, 2017, at 9:31 AM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

Perfect. I know they send a lot but not responding or delays in responding will hold up our upcoming nominees' confirmations. Thanks for this.

**From:** Lyons, Troy  
**Sent:** Thursday, May 25, 2017 11:25 AM  
**To:** Jackson, Ryan <jackson.ryan@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>  
**Cc:** Graham, Amy <graham.amy@epa.gov>; Palich, Christian <palich.christian@epa.gov>; Ringel, Aaron <ringel.aaron@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Brown, Byron <brown.byron@epa.gov>  
**Subject:** Responses to EPW Minority  
**Importance:** High

For your awareness—the following responses to EPW Minority requests are being prepared and will likely be sent to the hill tomorrow afternoon. The responses are regarding:

- Ethics for Non-career SES, Schedule C and Administratively Determined positions (Senator Whitehouse)
- Ethics waivers for appointees (Senator Warren through Ranking Member Carper)
- ICR/RAGA/NSPS (Senator Whitehouse)



- ██████████ OKGOP Gala (Ranking Member Carper)

- ██████████

Again, for your awareness—please let me know if you have any concerns with the responses.

Many thanks,

Troy

Troy M. Lyons

*Associate Administrator*

*Congressional & Intergovernmental Relations*

*U.S Environmental Protection Agency*

*202-309-2490*

**To:** Jackson, Ryan[jackson.ryan@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Fri 5/12/2017 12:44:06 PM  
**Subject:** Fwd: Preparing your travel plans in Italy

Is JP still going? This is awkward

Sent from my iPhone

Begin forwarded message:

**From:** "Kime, Robin" <[Kime.Robin@epa.gov](mailto:Kime.Robin@epa.gov)>  
**Date:** May 12, 2017 at 8:41:23 AM EDT  
**To:** "Dravis, Samantha" <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)>  
**Subject:** Preparing your travel plans in Italy

We are finalizing the paperwork for yours and Sarah's Italy trip since the itinerary needs to be officially approved by OITA. One question came back to us because they are comparing

## Ex. 5 - Deliberative Process

**To:** McGartland, Al[McGartland.Al@epa.gov]  
**Cc:** Bowman, Liz[Bowman.Liz@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Fri 4/21/2017 11:42:56 AM  
**Subject:** RE: RE:

Ok.. we need that this morning unless it's really involved.

## Ex. 5 - Deliberative Process

### Ex. 5 - Deliberative Process

Thank you Al!

-----Original Message-----

From: McGartland, Al  
Sent: Friday, April 21, 2017 7:42 AM  
To: Dravis, Samantha <dravis.samantha@epa.gov>  
Subject: Re: RE:

We could probably do a back of the envelope calculation today and get some range.

Sent from my iPhone

> On Apr 21, 2017, at 7:39 AM, Dravis, Samantha <dravis.samantha@epa.gov> wrote:

>

> I'm asking for messaging purposes. communications

>

> -----Original Message-----

> From: McGartland, Al

> Sent: Friday, April 21, 2017 7:36 AM

> To: Dravis, Samantha <dravis.samantha@epa.gov>

> Cc: Nickerson, William <Nickerson.William@epa.gov>; Greenwalt, Sarah <greenwalt.sarah@epa.gov>;  
Bowman, Liz <Bowman.Liz@epa.gov>

> Subject: Re:

>

> As we discussed , the first step has no costs savings (or forgone benefit). The second step would be fairly big. It depends on what we assume states will do when we roll back jurisdictional waters. The RIA for the first WOTUS was about \$300 million.

## Ex. 5 - Deliberative Process

### Ex. 5 - Deliberative Process

>

> Sent from my iPhone

>

>> On Apr 21, 2017, at 7:24 AM, Dravis, Samantha <dravis.samantha@epa.gov> wrote:

>>

>> What are the cost savings we think will be associated with undoing WOTUS?

>>

>> Sent from my iPhone

**To:** Jackson, Ryan[jackson.ryan@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Tue 5/2/2017 11:22:07 AM  
**Subject:** RE:

It wasn't in a word document, it was in an agency-wide email sent by Exec Sec.

-----Original Message-----

From: Jackson, Ryan  
Sent: Tuesday, May 02, 2017 5:17 AM  
To: Dravis, Samantha <dravis.samantha@epa.gov>  
Subject:

Where is there an award for John Reeder in this event Thursday?

**To:** Brown, Byron[brown.byron@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Thur 5/11/2017 8:52:20 PM  
[Cover Letter with Dravis Edits v3 5pm.docx](#)  
[EO 13783 Plan as of May 11 5pm.docx](#)

These are ready to be sent to OMB and uploaded through OEX. Can you please review and make any last minute edits

?

**From:** Nickerson, William  
**Sent:** Thursday, May 11, 2017 4:51 PM  
**To:** Dravis, Samantha <dravis.samantha@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Rees, Sarah <rees.sarah@epa.gov>  
**Cc:** Kime, Robin <Kime.Robin@epa.gov>  
**Subject:** RE: latest versions of EO 13783 docs

Here they are. Same docs, with headers removed.

**From:** Dravis, Samantha  
**Sent:** Thursday, May 11, 2017 4:35 PM  
**To:** Nickerson, William <Nickerson.William@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Rees, Sarah <rees.sarah@epa.gov>  
**Cc:** Kime, Robin <Kime.Robin@epa.gov>  
**Subject:** RE: latest versions of EO 13783 docs

Great. Can you remove the draft watermarks and get these ready/final?

**From:** Nickerson, William  
**Sent:** Thursday, May 11, 2017 3:57 PM  
**To:** Dravis, Samantha <dravis.samantha@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Rees, Sarah <rees.sarah@epa.gov>  
**Cc:** Kime, Robin <Kime.Robin@epa.gov>  
**Subject:** latest versions of EO 13783 docs

These incorporate revisions from Samantha and Brittany since 2pm.

**From:** Nickerson, William  
**Sent:** Thursday, May 11, 2017 1:26 PM  
**To:** Dravis, Samantha <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)>; Bolen, Brittany <[bolen.brittany@epa.gov](mailto:bolen.brittany@epa.gov)>;  
Rees, Sarah <[rees.sarah@epa.gov](mailto:rees.sarah@epa.gov)>  
**Cc:** Kime, Robin <[Kime.Robin@epa.gov](mailto:Kime.Robin@epa.gov)>  
**Subject:** revised EO 13783 docs

Same as before, but this cover letter includes a few additional edits from Samantha.

**From:** Nickerson, William  
**Sent:** Thursday, May 11, 2017 1:17 PM  
**To:** Dravis, Samantha <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)>; Bolen, Brittany <[bolen.brittany@epa.gov](mailto:bolen.brittany@epa.gov)>;  
Rees, Sarah <[rees.sarah@epa.gov](mailto:rees.sarah@epa.gov)>  
**Cc:** Kime, Robin <[Kime.Robin@epa.gov](mailto:Kime.Robin@epa.gov)>  
**Subject:** RE: reading through the report now..

New version of the plan attached, in redline and clean copy, that condenses the introductory material down to less than 1 page.

Latest cover letter also attached with all of Samantha's edits included, just so all the documents are in one e-mail.

**From:** Dravis, Samantha  
**Sent:** Thursday, May 11, 2017 12:47 PM

**To:** Nickerson, William <[Nickerson.William@epa.gov](mailto:Nickerson.William@epa.gov)>; Bolen, Brittany <[bolen.brittany@epa.gov](mailto:bolen.brittany@epa.gov)>; Rees, Sarah <[rees.sarah@epa.gov](mailto:rees.sarah@epa.gov)>  
**Subject:** reading through the report now..

Please collapse the introduction and the Overview of EO 13783 into one section, and make it more concise. The stuff at the very beginning, is that just our editorializing, or is that a restatement of the EO? It seems like we don't need to mention that the Trump Administration is focused on energy policy that lowers costs.. since we are sending this right to them. I think we just give a brief intro and overview and launch right in.

**To:** Bolen, Brittany[bolen.brittany@epa.gov]; Catanzaro, Michael J.  
**EOP/WHO:** Ex. 6 - Personal Privacy Jackson, Ryan[jackson.ryan@epa.gov]  
**Cc:** Kime, Robin[Kime.Robin@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Mon 5/1/2017 9:54:58 PM  
**Subject:** Letter to Gov. Brown  
Brown Letter Dravis Edits.docx

## Ex. 5 - Deliberative Process

Robin: Please prepare this on the Administrator's letterhead for him to sign tomorrow so we can get this out.

Thanks,

Samantha



**To:** Jackson, Ryan[jackson.ryan@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Mon 3/6/2017 5:39:03 PM  
**Subject:** Re: CERA Media Opportunities

Just in a crush of meetings. Let m get through the 1pm and I will look at this

Sent from my iPhone

On Mar 6, 2017, at 12:33 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

FYI. Looks good to me but I want olit to conform to your program.

Ryan Jackson  
Chief of Staff  
U.S. EPA

Ex. 6 - Personal Privacy

Begin forwarded message:

**From:** "Konkus, John" <konkus.john@epa.gov>  
**Date:** March 6, 2017 at 10:30:19 AM MST  
**To:** "Jackson, Ryan" <jackson.ryan@epa.gov>  
**Subject:** CERA Media Opportunities

(T-pending COS approval) 8:00 am – 9:00am: (exact hit time TBD) CNBC Squawk Box LIVE interview on-site .

(Confirmed) 1:00pm – 2:00pm: Luncheon keynote address (7-10 mins) followed by conversation with CERA President Yergin (20 mins). OPEN PRESS.

(T-pending COS approval) 2:00pm – 2:20pm: Press Conference immediately following the speech. CERA offers this to all keynote speakers. They professionally manage the press conference and have a room set aside for it.

**To:** Hilary Moffett[moffetth@api.org]; Jackson, Ryan[jackson.ryan@epa.gov]  
**Cc:** Kime, Robin[Kime.Robin@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Mon 5/1/2017 8:25:06 PM  
**Subject:** RE: Meeting Request

Happy to meet, Hillary! I will have Robin find a mutually acceptable time.

**From:** Hilary Moffett [mailto:moffetth@api.org]  
**Sent:** Monday, May 01, 2017 4:00 PM  
**To:** Dravis, Samantha <dravis.samantha@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>  
**Cc:** Kime, Robin <Kime.Robin@epa.gov>  
**Subject:** Meeting Request

Good Afternoon,

I would like to request a meeting on May 16<sup>th</sup> at any time. We plan on submitting comments to EPA on May 15<sup>th</sup> regarding regulatory agenda items and would like to sit down with people involved in the process (Samantha, Ryan, etc.) to go through the list. Based upon what we plan on submitting, we believe a meeting would be helpful to ensure you have the best understanding of priorities and to discuss ways in which we can be helpful.

Please let me know if you all have any availability on May 16.

Thanks,

Hilary

Hilary Moffett

Director, Federal Relations

American Petroleum Institute

202-682-8040 (desk)

Ex. 6 - Personal Privacy (cell)

MoffettH@api.org

**To:** Jackson, Ryan[jackson.ryan@epa.gov]; Hupp, Sydney[hupp.sydney@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Tue 4/4/2017 11:41:50 AM  
**Subject:** RE: Meeting Request

Syd, can you see if that works for SP?

I have a call with OMB at 3pm so it may not necessarily work for me but Jeff is a very easy-going guy, I think he just wants to stop in and say hi. If you tell him SP doesn't have much time I think he will respect that

**From:** Jackson, Ryan  
**Sent:** Monday, April 3, 2017 8:05 PM  
**To:** Hupp, Sydney <hupp.sydney@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>  
**Subject:** RE: Meeting Request

Can we do this after the WH?

**From:** Hupp, Sydney  
**Sent:** Monday, April 3, 2017 3:37 PM  
**To:** Dravis, Samantha <dravis.samantha@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>  
**Subject:** RE: Meeting Request

Sure thing.

Sydney Hupp

Office of the Administrator- Scheduling

202.816.1659

**From:** Dravis, Samantha

**Sent:** Monday, April 3, 2017 3:22 PM

**To:** Jackson, Ryan <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)>; Hupp, Sydney <[hupp.sydney@epa.gov](mailto:hupp.sydney@epa.gov)>

**Subject:** RE: Meeting Request

I'm not sure if this one just got lost in the shuffle because it came from me, but out of respect we need to let them know we can't do the meeting – and that message should come from Scheduling. Syd, do you mind dropping her a note?

**From:** Jackson, Ryan

**Sent:** Monday, April 3, 2017 3:09 PM

**To:** Dravis, Samantha <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)>; Hupp, Sydney <[hupp.sydney@epa.gov](mailto:hupp.sydney@epa.gov)>

**Subject:** RE: Meeting Request

I don't know when we do this tomorrow.

**From:** Dravis, Samantha

**Sent:** Monday, April 3, 2017 2:29 PM

**To:** Hupp, Sydney <[hupp.sydney@epa.gov](mailto:hupp.sydney@epa.gov)>; Jackson, Ryan <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)>

**Subject:** RE: Meeting Request

They are hounding me on this. Syd, did you calendar this? He's also meeting with Jeff Sessions. I think we should give him 15 mins or so if we have space on the calendar.

**From:** Dravis, Samantha

**Sent:** Thursday, March 30, 2017 1:42 PM

**To:** Hupp, Sydney <[hupp.sydney@epa.gov](mailto:hupp.sydney@epa.gov)>; Jackson, Ryan <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)>

**Subject:** FW: Meeting Request

Up to you guys

**From:** Mule, Sarah [mailto:MuleS@ag.louisiana.gov]  
**Sent:** Thursday, March 30, 2017 1:40 PM  
**To:** Dravis, Samantha <dravis.samantha@epa.gov>  
**Subject:** Meeting Request

Hi again,

Just wanted follow up and let you know that Jeff will be in DC on Tuesday and would like some time to visit with you and Administrator Pruitt, if available. Please let me know if we can set something up or if he can pop in for a few minutes. Thanks so much and have a great day!

Sarah

Sarah Mulé

Executive Assistant

Louisiana Attorney General Jeff Landry

---

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**To:** Jackson, Ryan[jackson.ryan@epa.gov]; Shapiro, Mike[Shapiro.Mike@epa.gov]  
**Cc:** Siciliano, CarolAnn[Siciliano.CarolAnn@epa.gov]; Rees, Sarah[rees.sarah@epa.gov]; Minoli, Kevin[Minoli.Kevin@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Tue 3/21/2017 12:39:23 AM  
**Subject:** Dental Amalgam Rule update

Mike and Ryan:

I had a conversation this evening with Marcus Peacock at OMB regarding the 2:1 Executive Order and whether the Dental Amalgam rule would qualify for an exemption. Also on the call were Sarah Rees and CarolAnn Siciliano. We discussed with Marcus the peculiar posture of this rule: filed for public inspection on January 19 but captured by the Regulatory Freeze Memo on January 20. I noted that the ADA considers this rule to be “fair and reasonable.” And I also pointed out that it’s too soon in this Administration to identify offsetting deregulatory actions and any at this point would be speculative. I asked Marcus to consider an exemption or waiver from the 2:1 requirement.

Carol Ann Siciliano (OGC) then discussed litigation considerations militating in favor of an exemption. She mentioned NRDC’s active lawsuit involving the Dental Amalgam rule and their Notice of Intent to file a citizen suit to compel promulgation of the rule.

**Ex. 5 - Deliberative Process**

## **Ex. 5 - Deliberative Process**

## **Ex. 5 - Deliberative Process**

# **Ex. 5 - Deliberative Process**

Best,

Samantha

Samantha Dravis

Senior Counsel / Associate Administrator for Policy

U.S. Environmental Protection Agency



**Bcc:** Jackson, Ryan[jackson.ryan@epa.gov]; Greaves, Holly[greaves.holly@epa.gov]  
**To:** Kenny, Shannon[Kenny.Shannon@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Tue 4/4/2017 9:53:58 AM  
**Subject:** Re: Leak

We're not having an all hands meeting. If people have specific questions they can talk to me.

Sent from my iPhone

> On Apr 3, 2017, at 9:07 PM, Kenny, Shannon <Kenny.Shannon@epa.gov> wrote:  
>

## **Ex. 5 - Deliberative Process**

> Sent from my iPhone

**To:** Minoli, Kevin[Minoli.Kevin@epa.gov]  
**Cc:** Jackson, Ryan[jackson.ryan@epa.gov]; Flynn, Mike[Flynn.Mike@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Fri 3/3/2017 1:30:02 AM  
**Subject:** Re: Chlorpyrifos Meeting on Friday

That sounds like a great plan to me, Kevin. Apologies for the confusion.

Sent from my iPhone

On Mar 2, 2017, at 8:07 PM, Minoli, Kevin <[Minoli.Kevin@epa.gov](mailto:Minoli.Kevin@epa.gov)> wrote:

Sounds like if we simply combine the two meetings we will have Ryan and Samantha, as well as OCSPP, OP, and OGC, which would be great. I am happy to email Sharnett and Robin tonight to ask them to work together to do that if that works for you. We definitely agree you both should be briefed as soon as possible, so this would be a great result if you are ok with it.

Thanks, Kevin

**Kevin S. Minoli**

**Acting General Counsel**

**Office of General Counsel**

**US Environmental Protection Agency**

**Main Office Line: 202-564-8040**

**From:** Jackson, Ryan  
**Sent:** Thursday, March 02, 2017 7:29 PM  
**To:** Dravis, Samantha <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)>  
**Cc:** Minoli, Kevin <[Minoli.Kevin@epa.gov](mailto:Minoli.Kevin@epa.gov)>; Flynn, Mike <[Flynn.Mike@epa.gov](mailto:Flynn.Mike@epa.gov)>  
**Subject:** Re: Chlorpyrifos Meeting on Friday

I don't have anything on my calendar. Wendy has ask to talk to me about it and I've been involved with the Administrator all the time. I'm expecting to meet with Wendy tomorrow.

Ryan Jackson

Chief of Staff

U.S. EPA

**Ex. 6 - Personal Privacy**

On Mar 2, 2017, at 7:26 PM, Dravis, Samantha <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)> wrote:

The meeting wasn't set up by me, it must have been Robin on my behalf after I suggested that this was a hot topic that required attention.

Ryan and I need a briefing with the appropriate parties as soon as is possible.

Thanks,

Samantha

Sent from my iPhone

On Mar 2, 2017, at 6:49 PM, Minoli, Kevin <[Minoli.Kevin@epa.gov](mailto:Minoli.Kevin@epa.gov)> wrote:

Hi Samantha- I wanted to reach out to you and discuss a meeting request the one of OGC's attorney's received earlier today for a meeting on chlorpyrifos tomorrow. While we are happy to meet with you and others on that subject, there were a couple points of concern I need to raise. I realize that you may not have actually set up the invitation (a ton of meetings get set up under my name), but as the senior person in OP I felt it was appropriate to write to you.

**Ex. 5 - Deliberative Process; Attorney-Client Privilege**

## **Ex. 5 - Deliberative Process; Attorney-Client Privilege**

Thanks, Kevin

**Kevin S. Minoli**

**Acting General Counsel**

**Office of General Counsel**

**US Environmental Protection Agency**

**Main Office Line: 202-564-8040**

**To:** Jackson, Ryan[jackson.ryan@epa.gov]  
**Cc:** Hale, Michelle[hale.michelle@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Thur 3/2/2017 3:11:48 AM  
**Subject:** Re: Meeting request for Administrator Pruitt

I'll call him

Sent from my iPhone

On Mar 1, 2017, at 9:59 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

We just need to set up the meeting and set up a time to brief him about it. We'll need someone from the policy office to call John to get the issues for the meeting and we'll be set.

**From:** Dravis, Samantha  
**Sent:** Wednesday, March 1, 2017 2:17 PM  
**To:** Hale, Michelle <hale.michelle@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>  
**Subject:** RE: Meeting request for Administrator Pruitt

I can make whatever he needs work that day.

**From:** Hale, Michelle  
**Sent:** Wednesday, March 1, 2017 11:56 AM  
**To:** Dravis, Samantha <dravis.samantha@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>  
**Subject:** FW: Meeting request for Administrator Pruitt

Please note the request to meet with staff prior to the meeting set for march 13. Please advise.

Background on Meeting Request

-

Proposed attendees:

Chris Novak, Corn Growers

Steve Censky, American Soybean

Jay Vroom, Croplife

Chuck Conner, Coops Council

Zippy Duvall, Farm Bureau

John Bode, Corn Refiners

Re: Ag issues and statements of key issues which they have developed with a shared set objectives for the meeting.

**From:** John Bode [<mailto:JBode@corn.org>]

**Sent:** Wednesday, March 1, 2017 8:22 AM

**To:** Hale, Michelle <[hale.michelle@epa.gov](mailto:hale.michelle@epa.gov)>

**Cc:** Keniece Barbee <[kbarbee@corn.org](mailto:kbarbee@corn.org)>; Kyle Harris <[kharris@corn.org](mailto:kharris@corn.org)>

**Subject:** RE: Meeting request for Administrator Pruitt

Thanks Michelle. I have confirmed that 3:45 pm, on Monday, March 13 works for my group. We appreciate the quick response to our request. I will look forward to hearing from you or others regarding a quick pre-meeting discussion of objectives and topics. Best regards.

<image001.png>

John W. Bode

President & CEO

*Corn Refiners Association*

<image002.png>

1701 Pennsylvania Avenue, N.W.

Suite 950

Washington, DC 20006

Direct: (202) 534-3499

Main: (202) 331-1634

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**From:** John Bode  
**Sent:** Tuesday, February 28, 2017 3:45 PM  
**To:** 'Hale, Michelle' <[hale.michelle@epa.gov](mailto:hale.michelle@epa.gov)>  
**Cc:** Keniece Barbee <[kbarbee@corn.org](mailto:kbarbee@corn.org)>  
**Subject:** RE: Meeting request for Administrator Pruitt

Thanks Michelle. I will quickly check with my group to confirm, but I don't expect a problem.

As convenient for you, I would appreciate a pre-meeting discussion with staff supporting Administrator Pruitt to ensure there are no surprises and to discuss meeting objectives.

<image001.png>

John W. Bode

President & CEO

*Corn Refiners Association*

<image002.png>

1701 Pennsylvania Avenue, N.W.

Suite 950

Washington, DC 20006

Direct: (202) 534-3499

Main: (202) 331-1634

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**From:** Hale, Michelle [<mailto:hale.michelle@epa.gov>]

**Sent:** Tuesday, February 28, 2017 3:00 PM

**To:** John Bode <[JBode@corn.org](mailto:JBode@corn.org)>

**Subject:** Meeting request for Administrator Pruitt

Hello, John. I am following up on your request for a meeting between agriculture leaders and EPA Administrator Scott Pruitt. Would March 13 at 3:45 p.m. work for your group?

Thank you for your consideration.

Michelle Hale

Executive Assistant to the Administrator



Environmental Protection Agency

1200 Pennsylvania Ave., NW,

WJCS, Suite 3000

Washington, D.C. 20460

(202) 564-1430

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**To:** Jackson, Ryan[jackson.ryan@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Mon 3/27/2017 12:25:48 PM  
**Subject:** RE: Canadian Energy

We will reach out to them and schedule.

**From:** Jackson, Ryan  
**Sent:** Sunday, March 26, 2017 4:57 PM  
**To:** Dravis, Samantha <dravis.samantha@epa.gov>  
**Subject:** FW: Canadian Energy

Is this something you're shop would like to do?

**From:** Rozsa, Gabe [<mailto:Gabe.Rozsa@prime-policy.com>]  
**Sent:** Wednesday, March 8, 2017 3:31 PM  
**To:** Jackson, Ryan <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)>  
**Subject:** Canadian Energy

Ryan,

I wanted to ask for your advice on whether a meeting with the Administrator or his senior staff might be possible to talk about North American energy integration and streamlining environmental reviews for cross border energy projects. The meeting would be on either April 4 or 5 with a client who is a leader in the oil sands region of Alberta.

As the Trump Administration and the Congress rethink the US energy policy, I know integration of North American energy, including the role of Canadian oil in helping to meet domestic needs and the role of pipelines like KXL is again be on the agenda. Although KXL finally is on track for approval, there remain many regulatory issues involved and likely other pipelines issues in the future raising issues to consider.

We represent a group of Canadian oil companies that are drilling for oil in Alberta. Bill McCaffrey, the CEO of MEG Energy and the leading force behind our client, the In situ Oil Sands Alliance (IOSA), will be in DC for meetings on April 4 and 5 and I was hoping to schedule time with you or someone you might recommend at EPA to discuss next steps toward better integration and North American energy independence. MEG and IOSA have done some pioneering work in the in situ process which is estimated to represent 80% of the available

Canadian oil sands resource. A little biographically information about Bill can be found [here](#) which summarizes an award he recently received for his dynamic leadership in energy issues including innovative development and transport of the resource. I also expect a few other executives from MEG and/or IOSA on the trip.

I know staffing at the agencies is still pretty thin but please let me know what you recommend.

Gabe

**Gabe Rozsa**

Managing Director

1110 Vermont Avenue, NW | Suite 1000 | Washington, DC 20005

202 530 4843 | Fax: 202 530 4800 | Cell: Ex. 6 - Personal Privacy

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**To:** Jackson, Ryan[jackson.ryan@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Wed 3/15/2017 11:55:53 AM  
**Subject:** RE: tomorrow

So do you want me to check in with him today or no

**From:** Jackson, Ryan  
**Sent:** Wednesday, March 15, 2017 6:43 AM  
**To:** Dravis, Samantha <dravis.samantha@epa.gov>  
**Subject:** Re: tomorrow

Also so you know. I've already spoken with JP about CPP roll out and the budget. It won't be new to him but since we are in it now and I'll be out I didn't want to not get him plugged in.

## Ex. 5 - Deliberative Process

Thanks.

Ryan Jackson

Chief of Staff

U.S. EPA

### Ex. 6 - Personal Privacy

On Mar 14, 2017, at 10:10 PM, Dravis, Samantha <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)> wrote:

Yep!

Sent from my iPhone

On Mar 14, 2017, at 10:00 PM, Jackson, Ryan <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)> wrote:

Let's just do 9 so we can get everyone together. Good deal?

Ryan Jackson

Chief of Staff

U.S. EPA

Ex. 6 - Personal Privacy

On Mar 14, 2017, at 9:57 PM, Dravis, Samantha <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)> wrote:

Yeah. I certainly would not mind sleeping in but I asked him at dinner and he just said it's Ryan's meeting just ask him what he wants to do. We asked him if it was still on

Sent from my iPhone

On Mar 14, 2017, at 9:56 PM, Jackson, Ryan <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)> wrote:

Oh ok. Ex. 6 - Personal Privacy I just figured he'd be back by 8.  
Maybe we kick it back to 9? It would be good to ensure we are on it on the EO and budget work.

Ryan Jackson

Chief of Staff

U.S. EPA

Ex. 6 - Personal Privacy

On Mar 14, 2017, at 9:19 PM, Dravis, Samantha  
<[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)> wrote:

He said the 8am was up to you and that he has Ex. 6 - Personal Privacy

Sent from my iPhone

On Mar 14, 2017, at 8:08 PM, Jackson, Ryan <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)>  
wrote:

With being gone tomorrow we really need to tee up what we are going to do and place in the Register for the Energy Independence EO. We have the parts of it and I provided Justin and Sarah some suggestions today. That's the big, big next step.

Also, Thursday the budget comes out. It's not good.

Thumbnail is attached and what will actually come out. Holly is working on some messaging.

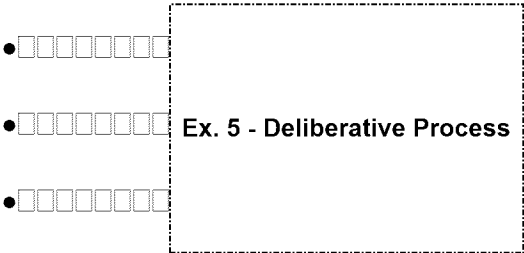
Principal messages:

**Ex. 5 - Deliberative Process**

**Ex. 5 - Deliberative Process**

**Ex. 5 - Deliberative Process**

Here's the breakdown:



- [REDACTED] Ex. 5 - Deliberative Process

## Ex. 5 - Deliberative Process

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED] Ex. 5 - Deliberative Process
- [REDACTED]
- [REDACTED]
- [REDACTED]

We need to think messaging and, Samantha, JP is nearly here so we need to get him roped in. Will you contact him tomorrow to get his great head in this game too?

So you guys are the first to know we are making new changes and getting folks in their roles.

JP Freire, communications director for Senator Orrin Hatch will be joining the team as the Associate Administrator for Public Affairs. John Konkus will be the Deputy AA for Public Affairs. Two additional staff, Liz Bowman, director for issue advocacy for the American Chemistry Council, will also join the team as a Deputy AA for Public Affairs and Amy Graham, deputy comms director for Senator Shelley Moore Capito, will join us as the Deputy AA for Public Engagement. Jahan Wilcox will join us in strategic communications centering on social media and outreach.

Since I'm on a role I got good news tonight that Troy Lyons, director for congressional affairs for Hess Petroleum will be our AA for Congressional Affairs and Tate Bennett, director for governmental affairs for NRECA and former House staffer and McConnell staffer from Danville KY will be one of our principal Deputy AA for Congressional Affairs.

We will have everyone around the table soon.

So, I'm unsure if Pruitt will be there for the 8am, but I think we should meet tomorrow morning before he and I head to Andrews. We should plan on him being at the 8am. I could use all of you there tomorrow in the Administrator's office at 8am. Thanks.

Ryan Jackson

Chief of Staff

U.S. Environmental Protection Agency

Ex. 6 - Personal Privacy

<25\_EPA\_18\_Embargoed.pdf>



**To:** Jackson, Ryan[jackson.ryan@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Sun 3/26/2017 9:52:06 PM  
**Subject:** RE: letter to staff disbanding sector strategies

## Ex. 5 - Deliberative Process

## Ex. 5 - Deliberative Process

Did you see the two memos that OEX prepared for your distro?

One is on the RRO and the Reg Reform Task Force, the other is on Regulatory Tracking. You could combine them if you want but the OP office seems to think it is best for these to come from your email not mine.

**From:** Jackson, Ryan  
**Sent:** Sunday, March 26, 2017 5:49 PM  
**To:** Dravis, Samantha <dravis.samantha@epa.gov>  
**Subject:** FW: letter to staff disbanding sector strategies

Did you see this?

**From:** Kime, Robin  
**Sent:** Tuesday, February 28, 2017 9:31 AM  
**To:** Jackson, Ryan <jackson.ryan@epa.gov>  
**Subject:** letter to staff disbanding sector strategies

Hi

This was issued by the OP Division Director at the time, Bob Benson. He currently works in

OW.

**To:** Jackson, Ryan[jackson.ryan@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Thur 3/30/2017 5:46:18 PM  
**Subject:** RE:

I think she needs some RJ attention ☺

**From:** Jackson, Ryan  
**Sent:** Thursday, March 30, 2017 1:46 PM  
**To:** Dravis, Samantha <dravis.samantha@epa.gov>  
**Subject:** RE:

Of course.

**From:** Dravis, Samantha  
**Sent:** Thursday, March 30, 2017 1:45 PM  
**To:** Jackson, Ryan <jackson.ryan@epa.gov>  
**Subject:** RE:

Can Brittany staff POET as well? I think she wants to feel included

**From:** Jackson, Ryan  
**Sent:** Thursday, March 30, 2017 1:44 PM  
**To:** Dravis, Samantha <dravis.samantha@epa.gov>  
**Subject:** RE:

OMB was ok on radon?

**From:** Dravis, Samantha  
**Sent:** Thursday, March 30, 2017 1:44 PM  
**To:** Jackson, Ryan <jackson.ryan@epa.gov>  
**Subject:** FW:

We further extended it until May.

It was Radon that we let go effective.

**From:** Jackson, Ryan  
**Sent:** Thursday, March 30, 2017 1:42 PM  
**To:** Dravis, Samantha <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)>  
**Subject:**

One of the rules which we held up with dental and 5 or 6 others was the Formaldehyde rule.

What happened with that one?

Ryan Jackson

Chief of Staff

U.S. Environmental Protection Agency

Ex. 6 - Personal Privacy

**To:** Konkus, John[konkus.john@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]; Brown, Byron[brown.byron@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Wed 3/8/2017 5:35:50 PM  
**Subject:** RE: Updated CERA Card

Opportunity is spelled wrong too – make that correction

**From:** Konkus, John  
**Sent:** Wednesday, March 8, 2017 12:31 PM  
**To:** Jackson, Ryan <jackson.ryan@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Brown, Byron <brown.byron@epa.gov>  
**Subject:** Updated CERA Card

I think we're on the right path now...Attached.

**To:** Konkus, John[konkus.john@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]; Brown, Byron[brown.byron@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Wed 3/8/2017 5:33:53 PM  
**Subject:** RE: Updated CERA Card

Did you update the longer version just in case?

Also need the jobs numbers if any associated with increase in oil and gas production.

**From:** Konkus, John  
**Sent:** Wednesday, March 8, 2017 12:31 PM  
**To:** Jackson, Ryan <jackson.ryan@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Brown, Byron <brown.byron@epa.gov>  
**Subject:** Updated CERA Card

I think we're on the right path now...Attached.

**To:** Jackson, Ryan[jackson.ryan@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Wed 3/15/2017 1:17:03 AM  
**Subject:** Re: tomorrow

I will call JP tomorrow yes.

Sent from my iPhone

On Mar 14, 2017, at 8:08 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

With being gone tomorrow we really need to tee up what we are going to do and place in the Register for the Energy Independence EO. We have the parts of it and I provided Justin and Sarah some suggestions today. That's the big, big next step.

Also, Thursday the budget comes out. It's not good.

Thumbnail is attached and what will actually come out. Holly is working on some messaging.

Principal messages:

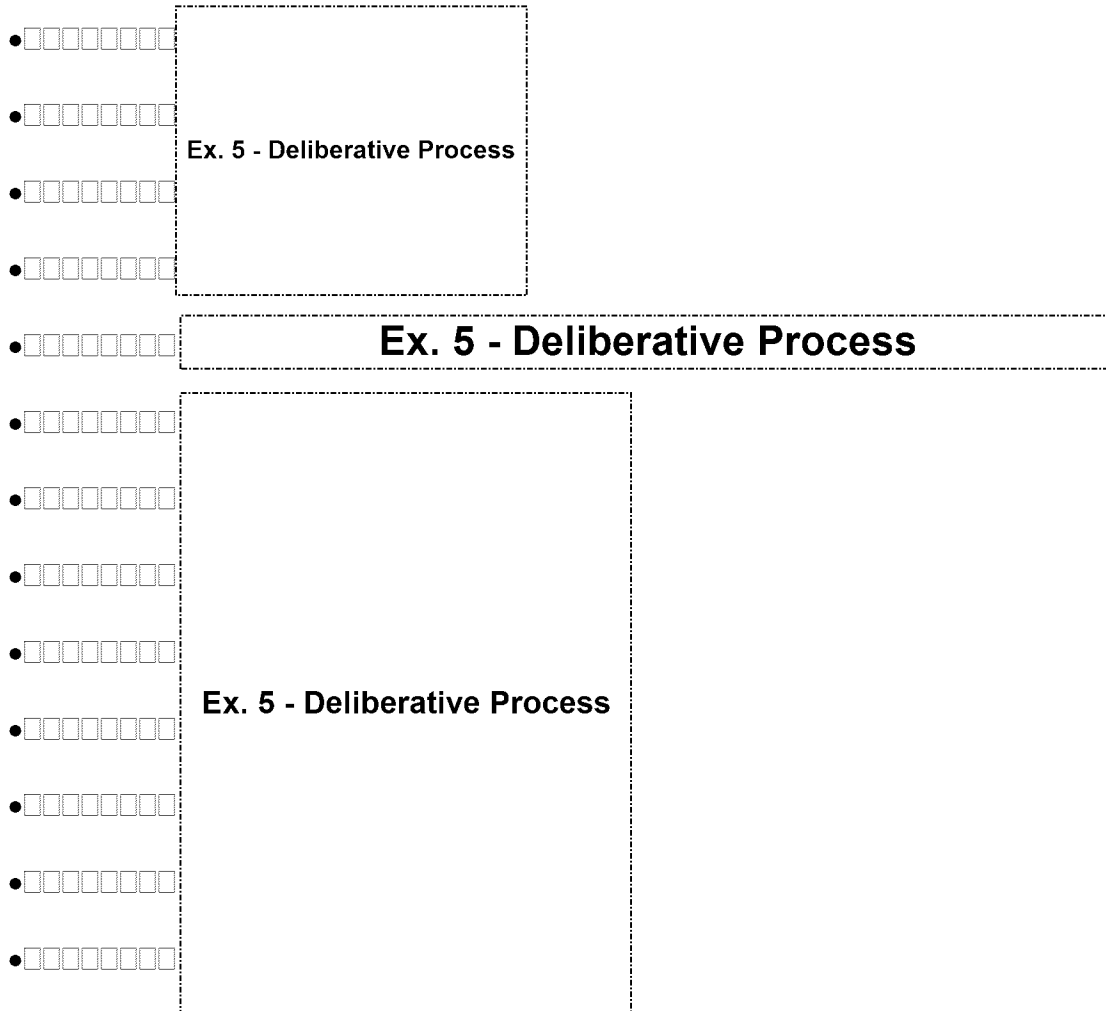
**Ex. 5 - Deliberative Process**

**Ex. 5 - Deliberative Process**

**Ex. 5 - Deliberative Process**

# Ex. 5 - Deliberative Process

Here's the breakdown:



We need to think messaging and, Samantha, JP is nearly here so we need to get him roped in. Will you contact him tomorrow to get his great head in this game too?

So you guys are the first to know we are making new changes and getting folks in their roles.



JP Freire, communications director for Senator Orrin Hatch will be joining the team as the Associate Administrator for Public Affairs. John Konkus will be the Deputy AA for Public Affairs. Two additional staff, Liz Bowman, director for issue advocacy for the American Chemistry Council, will also join the team as a Deputy AA for Public Affairs and Amy Graham, deputy comms director for Senator Shelley Moore Capito, will join us as the Deputy AA for Public Engagement. Jahan Wilcox will join us in strategic communications centering on social media and outreach.

Since I'm on a role I got good news tonight that Troy Lyons, director for congressional affairs for Hess Petroleum will be our AA for Congressional Affairs and Tate Bennett, director for governmental affairs for NRECA and former House staffer and McConnell staffer from Danville KY will be one of our principal Deputy AA for Congressional Affairs.

We will have everyone around the table soon.

So, I'm unsure if Pruitt will be there for the 8am, but I think we should meet tomorrow morning before he and I head to Andrews. We should plan on him being at the 8am. I could use all of you there tomorrow in the Administrator's office at 8am. Thanks.

Ryan Jackson

Chief of Staff

U.S. Environmental Protection Agency

Ex. 6 - Personal Privacy

<25\_EPA\_18\_Embargoed.pdf>

**To:** Jackson, Ryan[jackson.ryan@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Thur 3/30/2017 5:44:44 PM  
**Subject:** RE:

Yes.

**From:** Jackson, Ryan  
**Sent:** Thursday, March 30, 2017 1:44 PM  
**To:** Dravis, Samantha <dravis.samantha@epa.gov>  
**Subject:** RE:

OMB was ok on radon?

**From:** Dravis, Samantha  
**Sent:** Thursday, March 30, 2017 1:44 PM  
**To:** Jackson, Ryan <jackson.ryan@epa.gov>  
**Subject:** FW:

We further extended it until May.

It was Radon that we let go effective.

**From:** Jackson, Ryan  
**Sent:** Thursday, March 30, 2017 1:42 PM  
**To:** Dravis, Samantha <dravis.samantha@epa.gov>  
**Subject:**

One of the rules which we held up with dental and 5 or 6 others was the Formaldehyde rule.

What happened with that one?

Ryan Jackson

Chief of Staff

U.S. Environmental Protection Agency

Ex. 6 - Personal Privacy

**To:** Jackson, Ryan[jackson.ryan@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Tue 3/14/2017 8:41:33 PM  
**Subject:** FW: Meeting request - confirmation

FYI

## Ex. 5 - Deliberative Process

**From:** Bangerter, Layne  
**Sent:** Tuesday, March 14, 2017 4:35 PM  
**To:** Benton, Donald <benton.donald@epa.gov>; Davis, Patrick <davis.patrick@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Brown, Byron <brown.byron@epa.gov>  
**Cc:** Richardson, RobinH <Richardson.RobinH@epa.gov>; Sugiyama, George <sugiyama.george@epa.gov>  
**Subject:** RE: Meeting request - confirmation

What is the location?

**From:** Benton, Donald  
**Sent:** Tuesday, March 14, 2017 4:19 PM  
**To:** Bangerter, Layne <bangerter.layne@epa.gov>; Davis, Patrick <davis.patrick@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Brown, Byron <brown.byron@epa.gov>  
**Cc:** Richardson, RobinH <Richardson.RobinH@epa.gov>; Sugiyama, George <sugiyama.george@epa.gov>  
**Subject:** FW: Meeting request - confirmation

Representatives of the US Chamber would like to share ideas for positive change with us. Please expand to your selected colleagues and leaders in Air and/or Water and/or policy to join us for this important meeting for one hour on next Tuesday-3/21 at 2:00pm and let me know who else has been invited.

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



**From:** Koch, Matthew  
**Sent:** Tuesday, March 14, 2017 3:45 PM  
**To:** Benton, Donald <[benton.donald@epa.gov](mailto:benton.donald@epa.gov)>  
**Subject:** Meeting request - confirmation

Hi Don –

Thanks again for taking my call earlier today. To follow up on our conversation, a few of my colleagues are hoping to have a simple hour long discussion with you and interested members of your staff to share thoughts and ideas on energy-related policy priorities.

Joining me at your office on Tuesday, March 21 at 2pm – 3pm will be Christopher Guith, Dan Byers, Steve Eule, and Heath Knakmuhs. All five of us work for the Institute for 21<sup>st</sup> Century Energy at the U.S. Chamber of Commerce.

Thanks again for your willingness to meet with us, and I look forward to speaking with you

soon. In the meantime and as always, please don't hesitate to contact me at any time if I can ever be of assistance.

Best wishes,

- Matt

Matthew Koch, IOM

Vice President

Institute for 21st Century Energy

U.S. Chamber of Commerce

**To:** Dravis, Samantha[dravis.samantha@epa.gov]; Nishida, Jane[Nishida.Jane@epa.gov]; Ferguson, Lincoln[ferguson.lincoln@epa.gov]; Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]  
**Cc:** Chmielewski, Kevin[chmielewski.kevin@epa.gov]; Hupp, Millan[hupp.millan@epa.gov]  
**From:** Jackson, Ryan  
**Sent:** Fri 6/2/2017 1:12:15 PM  
**Subject:** RE: G7

Ok.

Jane, can you circulate that to the group so that Lincoln can lead the work to prepare talking points to import in the notebook and Mandy can proof and contribute further?

Then we'll be finished with that.

**From:** Dravis, Samantha  
**Sent:** Friday, June 2, 2017 9:11 AM  
**To:** Jackson, Ryan <jackson.ryan@epa.gov>; Nishida, Jane <Nishida.Jane@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>  
**Cc:** Chmielewski, Kevin <chmielewski.kevin@epa.gov>; Hupp, Millan <hupp.millan@epa.gov>  
**Subject:** RE: G7

The last schedule that Jane sent was good by me. Please let me know what if anything is needed schedule wise on my end.

**From:** Jackson, Ryan  
**Sent:** Friday, June 02, 2017 9:07 AM  
**To:** Nishida, Jane <Nishida.Jane@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>  
**Cc:** Chmielewski, Kevin <chmielewski.kevin@epa.gov>; Hupp, Millan

<hupp.millan@epa.gov>

**Subject: G7**

We need to finalize the schedule for Rome and truncated schedule for the G7 so Lincoln and Mandy can contribute to Jane on talking points for the new notebook.

Ryan Jackson

Chief of Staff

U.S. Environmental Protection Agency

Ex. 6 - Personal Privacy



**To:** Nishida, Jane[Nishida.Jane@epa.gov]; Chmielewski, Kevin[chmielewski.kevin@epa.gov]; Hupp, Millan[hupp.millan@epa.gov]; Kasman, Mark[Kasman.Mark@epa.gov]; Perrotta, Pasquale[Perrotta.Pasquale@epa.gov]; Ex. 7(f)  
Ex. 7(f)  
**Cc:** Dravis, Samantha[dravis.samantha@epa.gov]; Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]; Greenwalt, Sarah[greenwalt.sarah@epa.gov]; Ferguson, Lincoln[ferguson.lincoln@epa.gov]  
**From:** Jackson, Ryan  
**Sent:** Thur 6/1/2017 4:33:26 PM  
**Subject:** RE: Italy

Just as an update, I likely will be attending now.

We are working on final arrangements now.

**From:** Jackson, Ryan  
**Sent:** Tuesday, May 30, 2017 9:06 PM  
**To:** Nishida, Jane <Nishida.Jane@epa.gov>; Chmielewski, Kevin <chmielewski.kevin@epa.gov>; Hupp, Millan <hupp.millan@epa.gov>; Kasman, Mark <Kasman.Mark@epa.gov>; Perrotta, Pasquale <Perrotta.Pasquale@epa.gov>; Ex. 7(f)  
Ex. 7(f)  
**Cc:** Dravis, Samantha <dravis.samantha@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Greenwalt, Sarah <greenwalt.sarah@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>  
**Subject:** Italy

With the President requesting that Pruitt accompany him to an event in Cincinnati on Wednesday June 7 and with the Cabinet meeting June 12, we need to adjust this trip.

I need to get options for flying out of JFK to Rome on the evening of June 7, trying to reschedule meetings with Vatican officials for Thursday and Friday, cancelling what we have presently planned for Friday, maintaining Saturday events, trying to make best use of earlier Sunday morning, then get Pruitt out of Bologna and back to the US for the June 12 Cabinet meeting.

I believe it's best for Sam and Mandy to accompany Jane at the G7, and we will work on the initial Rome arrangements. I would expect that Lincoln will continue to need to attend to any press activities in Rome and the G7. Likely I will not travel.

This is not ideal, but these things happen often.

Ryan.

Ryan Jackson

Chief of Staff

U.S. Environmental Protection Agency

Ex. 6 - Personal Privacy

**To:** Dravis, Samantha[dravis.samantha@epa.gov]  
**From:** Kreutzer, David  
**Sent:** Sun 3/26/2017 12:43:44 PM  
**Subject:** Fwd: Steam Electric Utility (Water Pollution - predominantly Coal Fired Powerplants) Petition for Reconsideration  
[Letter to EPA Submitting Petition for Reconsideration w exhibits-c-c-c.pdf](#)  
[ATT00001.htm](#)

Let me know if the attachment comes through with this message.

Sent from my iPhone

Begin forwarded message:

**From:** "Bromberg, Kevin L." <kevin.bromberg@sba.gov>  
**To:** "Dravis, Samantha" <dravis.samantha@epa.gov>, "Kreutzer, David" <kreutzer.david@epa.gov>, "Brown, Byron" <brown.byron@epa.gov>, "Sugiyama, George" <sugiyama.george@epa.gov>  
**Subject:** Steam Electric Utility (Water Pollution - predominantly Coal Fired Powerplants) Petition for Reconsideration

Not sure who should be reviewing this. This is a petition for rulemaking from UWAG and Southwestern Electric Power, the two industry litigants.

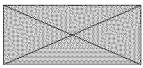
This is an excellent opportunity for cost savings. The more immediate issue is the need for a stay of the compliance dates, particularly for indirect dischargers.

Who will be handling water issues in the short term?

Kevin

**From:** Potter, Barbara [<mailto:bpotter@hunton.com>]  
**Sent:** Friday, March 24, 2017 2:25 PM  
**To:** Bromberg, Kevin L.  
**Cc:** Johnson, Harry M. ("Pete"); Bulleit, Kristy; Aldridge, Elizabeth  
**Subject:** Petition for Reconsideration

Mr. Bromberg, per Kristy Bulleit's request, attached is the Utility Water Act Group's Petition for Reconsideration of EPA's Final Rule for Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category, which has been e-mailed to EPA Administrator Pruitt today.



**Barbara Potter**

Administrative Law Specialist

[bpotter@hunton.com](mailto:bpotter@hunton.com)

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HARRY M. ("PETE") JOHNSON III  
DIRECT DIAL: 804 • 788 • 8784  
EMAIL: pjohnson@hunton.com

FILE NO: 29142.080072

March 24, 2017

**By U.S. Mail and E-mail**

**Docket No. EPA-HQ-OW-2009-0819**

Mr. Scott Pruitt, Administrator  
Environmental Protection Agency  
William Jefferson Clinton Building  
1200 Pennsylvania Avenue, N. W.  
Mail Code: 1101A  
Washington, DC 20460

**Re: Utility Water Act Group Petition for Reconsideration of EPA's "Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category; Final Rule," 80 Fed. Reg. 67,838 (Nov. 3, 2015)**

Dear Administrator Pruitt:

Enclosed please find the Utility Water Act Group's Petition for Reconsideration of EPA's final rule titled "Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category," 80 Fed. Reg. 67,838 (Nov. 3, 2015). A copy of this petition has also been electronically mailed to the Office of Water Docket Center for filing in Docket No. EPA-HQ-OW-2009-0819.

Please contact me if you have any questions about the Petition.

Sincerely,

Harry M. ("Pete") Johnson III

Enclosure



Mr. Scott Pruitt  
March 24, 2017  
Page 2

cc by hand delivery and e-mail:  
Mr. Michael H. Shapiro

Cc by e-mail:  
Jessica O'Donnell, Esq.  
Kevin S. Minoli, Esq.  
EPA Docket Center

**In the United States Environmental Protection Agency**

---

**Utility Water Act Group's Petition for Rulemaking to  
Reconsider and Administratively Stay the Effluent Limitations Guidelines  
and Standards for the Steam Electric Power Generating Point Source  
Category; Final Rule, 80 Fed. Reg. 67,838-903 (Nov. 3, 2015)**

Kristy A. N. Bulleit  
Hunton & Williams LLP  
2200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20037-1709  
202-955-1547 (tel.)  
[kbulleit@hunton.com](mailto:kbulleit@hunton.com)

Harry M. Johnson, III  
Elizabeth E. Aldridge  
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951 East Byrd Street  
Richmond, VA 23219-4074  
804-788-8784 (tel.)  
[pjohnson@hunton.com](mailto:pjohnson@hunton.com)  
[ealdrige@hunton.com](mailto:ealdrige@hunton.com)

*Counsel for Petitioner Utility Water Act  
Group*

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## **RELIEF SOUGHT**

The Utility Water Act Group<sup>1</sup> (“UWAG”) hereby petitions the United States Environmental Protection Agency (“EPA”) pursuant to 5 U.S.C. § 553(e) for a rulemaking to reconsider the Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category; Final Rule (the “ELG Rule,” the “Final Rule,” or “Rule”).<sup>2</sup> UWAG also seeks an administrative stay of the Rule pursuant to 5 U.S.C. § 705 because the Rule is currently in litigation<sup>3</sup> and “justice so requires.”<sup>4</sup> Furthermore, the EPA should take all other administrative

---

<sup>1</sup> UWAG is a voluntary, *ad hoc*, non-profit, unincorporated group of 163 individual energy companies and three national trade associations of energy companies: the Edison Electric Institute, the National Rural Electric Cooperative Association, and the American Public Power Association. The individual energy companies operate power plants and other facilities that generate, transmit, and distribute electricity to residential, commercial, industrial, and institutional customers. The Edison Electric Institute is the association of U.S. shareholder-owned energy companies, international affiliates, and industry associates. EEI members serve 220 million Americans in all 50 states, approximately 70 percent of all retail electricity customers in the country. The National Rural Electric Cooperative Association is the association of not-for-profit energy cooperatives supplying central station service through generation, transmission, and distribution of electricity to rural areas of the United States. The American Public Power Association is the national service organization for the more than 2,000 not-for-profit, community-owned electric utilities in the U.S. APPA member utilities serve more than 48 million Americans in 49 states (all but Hawaii), representing 16 percent of the market. UWAG’s purpose is to participate on behalf of its members in EPA’s rulemakings under the Clean Water Act and in litigation arising from those rulemakings.

<sup>2</sup> Section 553(e) provides that interested persons have “the right to petition for the issuance, amendment, or repeal of a rule.”

<sup>3</sup> *Southwestern Elec. Power Co. v. EPA*, et al, No. 15-60821(L) (5<sup>th</sup> Cir.) (consolidating seven separate Petitions for Review) (“ELG Litigation”).

<sup>4</sup> The administrative stay under 5 U.S.C. § 705 should postpone all deadlines in the Rule. The length of the stay should be calculated based on the number of days between the date that the first Petition for Review was filed in a federal court of appeals (November 19, 2015) and the later of the conclusion of judicial review or any further rulemaking undertaken as a result of that litigation or reconsideration undertaken in response to this Petition.

actions that may be necessary to assure the immediate suspension or delay of the Rule's fast-approaching compliance deadlines while EPA works to reconsider and revise, as appropriate, the substantive requirements of the current Rule pursuant to notice and comment rulemaking.

## **INTRODUCTION**

### **I. Overview of Reasons to Reconsider the Rule**

UWAG petitions EPA to reconsider the Rule to address its numerous flaws. Some of those flaws are explained in detail in the pending ELG Litigation and others are demonstrated by new information and circumstances described in this petition. The Rule – which is the product of a settlement between environmental groups and EPA – is inconsistent with the President's regulatory reform agenda reflected in recent Executive Orders.

The Rule affects both the utility and coal industries and also affects the large and small businesses that support and rely upon those industries. It will cause negative impacts on jobs due to the excessive costs of compliance – which were grossly underestimated by EPA – and regulatory burdens forcing plant closures. Those impacts are being, and will be, felt in communities around the country where those industries operate. Reconsideration will enable the Agency to take all of these impacts into account to the full extent allowed by law, as contemplated by recent Executive Orders.

The cost issues are exacerbated by EPA's overly ambitious assumptions about facilities' ability to comply with the limits imposed in the Rule. In fact, in many instances, facilities are not able to meet the limits with the technologies that EPA identified as the "best available technology economically achievable" ("BAT"). Actual costs are, therefore, much higher than EPA predicted. Either plants cannot comply at all or they are being forced to design, test, and try unproven technologies in addition to, or in lieu of, the model technologies in the hope of developing a compliance strategy. The Rule should be reconsidered so that its true costs can be accounted for, as required by the Clean Water Act ("CWA").

It is also undisputed that the Rule fails to consider fully the cumulative impacts of the Rule and the other contemporaneous major rulemakings affecting these industries. The cumulative cost of all of those rules affecting the utility and coal industries is staggering. In addition to the issue of costs, the respective rules' compliance deadlines were not harmonized to minimize or eliminate their conflicts. In the ELG rulemaking, EPA did not take public comment on the impacts of all of the rules combined. Undoubtedly, the industry's views could have been – and can be – informative. Consistent with the Administration's regulatory reform agenda, reconsideration of the ELG Rule will allow EPA to

consider all of these major rules collectively – and not through a piecemeal approach – with the benefit of public input.<sup>5</sup>

In addition, the Rule violated fundamental principles of public participation in rulemakings – transparency and reproducibility. Never before has EPA promulgated a rule while shielding such vast amounts of its basic work product from review. Here, EPA invoked the concept of Confidential Business Information (“CBI”) to withhold facts, methods, and analyses on which its conclusions depend. To an unprecedented extent, the Agency withheld fundamental information purporting to justify the Rule. Among the information claimed as CBI, EPA designated as CBI thousands of pages of the record that demonstrably were not entitled to confidential treatment.

Compounding the lack of transparency and reproducibility, EPA repeatedly responded to public comments by citing key information that the Agency withheld from the public record. Directing commenters to information that is unavailable is effectively no response at all. Reconsideration will allow EPA to fix these problems.

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<sup>5</sup> Moreover, since promulgation of the ELG Rule, circumstances have changed for the Clean Power Plan (“CPP”) and the Coal Combustion Residuals (“CCR”) Rule. Now, it is unclear the extent to which the CPP Rule will take effect or what changes to the CCR Rule will be made since portions of it are the subject of a new rulemaking. These significant changes in circumstances alone warrant reconsideration of the ELG Rule.

EPA also promulgated the Rule without gathering necessary data on certain types of plants covered by the Rule. EPA gathered no data whatsoever on the treatability of selenium and nitrates in Flue Gas Desulfurization Wastewater (“FGDW”) produced by plants burning subbituminous coals, such as Powder River Basin (“PRB”) coal, or lignite. These plants comprise upwards of 25% of the industry. Likewise, EPA set limits for modern Integrated Gasification Combined-Cycle (“IGCC”) plants without gathering data relevant to those plants. Lacking data or any other credible evaluation of the likely performance and cost, EPA had no reasonable basis for concluding that those plants can comply with the limits imposed by the Rule. The Rule should be re-opened and reconsidered so that the applicable limits can be based on appropriate data.

Actual experience is confirming that the FGD limits cannot be met at all facilities. A recent pilot study using the biological treatment technology EPA selected as BAT has been conducted at a PRB-burning plant, and indications are that the data show the selenium limits cannot be met. Other facilities are finding that technologies beyond those considered by EPA may be necessary to meet the FGD limits. Similarly, data from a state-of-the-art IGCC plant prove that it cannot meet the Rule’s wastewater limits.

Finally, EPA used patently obsolete or otherwise unreliable data in its analyses supporting its “zero discharge” requirement for bottom ash transport

water (“BATW”). In violation of both the letter and spirit of the Data Quality Act<sup>6</sup> and its implementing regulations, EPA evaluated BATW with poor quality characterization data, some of which was decades old. EPA used the data for several important purposes, including calculating a cost-effectiveness ratio that allows the Agency to compare the ELG Rule to other effluent guidelines rules. Obviously, if the underlying BATW characterization data are flawed, then the cost-effectiveness analysis is also flawed. Although EPA insisted a cost-effectiveness analysis is not required by the CWA, the Agency generated these analyses for all recent effluent guidelines rules, and it had an obligation to base its analysis on acceptable data. This it did not do.

All of these issues, both together and individually, warrant reconsideration of the ELG Rule to promote the President’s regulatory reform agenda.

## **II. The Policies Established by Executive Orders on Regulatory Reform**

The President has established an agenda mandating regulatory reform.<sup>7</sup> Reconsideration of the Rule is essential to fulfill the policies expressed in the Regulatory Reform Order.

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<sup>6</sup> Pub. L. 106-554, § 1(a)(3), Title V, § 515 (Dec. 21, 2000) (also sometimes known as “Information Quality Act”).

<sup>7</sup> See Executive Order 13777, *Enforcing the Regulatory Reform Agenda* (Feb. 24, 2017), 82 Fed. Reg. 12,285 (Mar. 1, 2017) (“Regulatory Reform Order”).



The Regulatory Reform Order directs agencies to create Task Forces to “evaluate existing regulations ... and make recommendations to the agency head regarding their repeal, replacement, or modification, consistent with applicable law.”<sup>8</sup> The Task Forces have until May 25, 2017, to make their recommendations.<sup>9</sup> The Rule should be chief among the EPA Task Force’s recommendations, for all the reasons set forth in this Petition.

The Task Forces are charged *at a minimum* with identifying regulations that adversely affect jobs, that impose costs exceeding benefits, or that rely on information and methods that are not transparent and reproducible.<sup>10</sup> The Rule

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<sup>8</sup> *Id.* at 12,286.

<sup>9</sup> By imposing a rigorous deadline on the Task Force, the Regulatory Reform Order recognizes the urgency of addressing overly burdensome regulations. Ultimately, it is the customers of the electric utility industry who suffer the economic burden of exorbitantly expensive rules. This burden is exacerbated when important issues regarding those rules go unresolved for extended periods of time (*e.g.*, the Mercury and Air Toxics rule). Uncertainty also contributes to potential instability in energy delivery. Thus, in the spirit of the Regulatory Reform Order, the Agency should move expeditiously to reconsider and revise the Rule while suspending its deadlines in the meanwhile.

<sup>10</sup> *Id.* § 3(d). The Order reads: “At a minimum, each Regulatory Reform Task Force shall attempt to identify regulations that:

- (i) eliminate jobs, or inhibit job creation; ...
- (iii) impose costs that exceed benefits; ... [or]
- (v) are inconsistent with the requirements of section 515 of the Treasury and General Government Appropriations Act, 2001 (44 U.S.C. 3516 note), or the guidance issued pursuant to that provision, in particular those regulations that rely in whole or in part on data, information, or methods that are not publicly available or that are insufficiently transparent to meet the standard for reproducibility;...”

here meets *all three* of these criteria, as explained in more detail in the body of this Petition.<sup>11</sup>

Moreover, this Petition for Reconsideration satisfies another mandatory element of the Regulatory Reform Order – consultation with “entities significantly affected” by the Rule.<sup>12</sup> The Order directs that the Task Forces “shall seek input and other assistance” from stakeholders in identifying regulations with adverse effects:

In performing the evaluation described in subsection (d) of this section, each Regulatory Reform Task Force shall seek input and other assistance, as permitted by law, from entities significantly affected by Federal regulations, including State, local, and tribal governments, small businesses, consumers, non-governmental organizations, and trade associations.<sup>13</sup>

Finally, the Regulatory Reform Order also incorporates fundamental principles from earlier Executive Orders that likewise support reconsideration of the Rule. For instance, agencies must consider the cumulative costs of regulations on businesses and communities:

Each agency shall tailor its regulations to impose the least burden on society, including individuals, businesses of differing sizes, and other

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<sup>11</sup> As to the second criterion (costs exceeding benefits), EPA’s cost-benefit analysis was based so heavily on flawed or unavailable data that a full evaluation of the Rule’s true costs and benefits is effectively impossible based on the current record. Thus, a primary focus on reconsideration should be to develop a record that will allow the Agency to determine whether the benefits indeed outweigh the costs of a new rule.

<sup>12</sup> *Id.* § 3(e).

<sup>13</sup> *Id.*

entities (including small communities and governmental entities), consistent with obtaining the regulatory objectives, *taking into account, among other things, and to the extent practicable, the costs of cumulative regulations*.<sup>14</sup>

As detailed later in this Petition, the Rule fails to consider accurately the cumulative costs of EPA's major rules affecting the utility industry, the coal industry, and the communities depending on them.

In addition to the Regulatory Reform Order, the Rule also should be reconsidered as part of the Agency's compliance with the Executive Order 13771, popularly known as the "Two-for-One Order."<sup>15</sup> In addition to its other directives, the Two-for-One Order requires agencies to achieve a net incremental regulatory cost of zero in Fiscal 2017.<sup>16</sup> The costs of new regulations during the current fiscal year are offset by costs eliminated from existing regulations: "incremental costs associated with new regulations shall, to the extent permitted by law, be offset by the elimination of existing costs associated with at least two prior regulations."<sup>17</sup>

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<sup>14</sup> Executive Order 12866, *Regulatory Planning and Review* § 1(b)(11) (Sept. 30, 1993), 58 Fed. Reg. 51,735, 51,736 (Oct. 4, 1993) (emphasis added) (incorporated by reference in Regulatory Reform Order § 2(a)(ii)).

<sup>15</sup> *Executive Order 13771, Reducing Regulation and Controlling Regulatory Costs* (Jan. 30, 2017), 82 Fed. Reg. 9339 (Feb. 3, 2017).

<sup>16</sup> "For fiscal year 2017, which is in progress, the heads of all agencies are directed that the total incremental cost of all new regulations, including repealed regulations, to be finalized this year shall be no greater than zero,..." *Id.* § 2(b).

<sup>17</sup> *Id.* § 2(c).

By reconsidering the Rule and taking its costs properly into account when promulgating a revised ELG rule, EPA can discharge this obligation.

In carrying out its duties under the Regulatory Reform Order, the Agency must comply with the Administrative Procedure Act (“APA”) and other applicable law.<sup>18</sup> Granting this Petition would enable EPA to promote the express policy of the Two-for-One Order consistent with the APA.

## **BACKGROUND ON RULE AND PENDING ELG LITIGATION**

### **I. The Consent Decree Leading Up to the Final Rule**

The ELG Rule is the product of a lawsuit. On September 14, 2009, the EPA Administrator received a 60-day notice of intent from the Environmental Integrity Project, which threatened to sue EPA for not revising the steam electric effluent limitations guidelines (“ELGs”). The very next day, EPA announced plans to revise the guidelines.<sup>19</sup> The next month, EPA released a “final detailed report” on its investigation of the industry for possible ELG revision.<sup>20</sup>

On November 8, 2010, Defenders of Wildlife and Sierra Club sued EPA and asked the court to set a judicial schedule for the rulemaking. But the plaintiffs had

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<sup>18</sup> *Id.*

<sup>19</sup> Press Release, EPA, *EPA Expects to Revise Rules for Wastewater Discharges from Power Plants* (Sept. 15, 2009).

<sup>20</sup> EPA, *Steam Electric Power Generating Point Source Category: Final Detailed Study Report*, EPA-821-R-09-008 (Oct. 2009), EPA-HQ-OW-2009-0819-0004 (“Final Detailed Study”).

already settled with EPA. That same day, EPA and the environmental organizations jointly presented a Consent Decree to the court. As part of the settlement, EPA agreed to pay the plaintiffs \$40,000 for the costs of negotiating, drafting, and filing the consent decree.<sup>21</sup> Thus, the rulemaking proceeded pursuant to a schedule imposed by a court order agreed to by environmental organizations and EPA without input from the industry and other affected stakeholders. Nonetheless, whenever possible – as during the comment periods on EPA’s information collection request for the Rule – the industry urged EPA to collect representative data and provided recommendations for doing so.<sup>22</sup>

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<sup>21</sup> UWAG moved to intervene in the litigation, asserting that the district court did not have subject matter jurisdiction over the matter because the CWA by its terms does not require EPA to revise ELGs by a date certain, instead requiring only that the Agency periodically review those guidelines – a duty that the facts pled showed EPA had discharged. The court denied UWAG’s motion to intervene. *See Defenders of Wildlife v. Jackson*, 284 F.R.D. 1 (D.D.C. 2012). On appeal, the United States Court of Appeals of the D.C. Circuit found that UWAG lacked standing to challenge the rulemaking negotiated between EPA and environmental groups. *Defenders of Wildlife v. Perciaseppe*, 714 F.3d 1317 (D.C. Cir. 2013).

<sup>22</sup> *See, e.g.*, UWAG Comments on EPA’s Draft Data Request (Mar. 23, 2007), EPA-HQ-OW-2009-0819-5450-Att 079 at 6 (commenting that EPA’s plan to collect wastewater samples from 5-6 facilities would result in a dataset too small for valid correlations because even two plants burning the same coal and using similar technologies could have different wastewater quality due to factors such as boiler design, coal variations within the same coal rank, and size of treatment equipment or settling pond). *See also* UWAG Comments on Questionnaire for the Steam Electric Power Generating Effluent Guidelines, EPA ICR No. 2368.01 (Apr. 8, 2010), EPA-HQ-OW-2009-0819-0052 at 14-21 (questioning the practical utility of the ICR’s focus on CCRs, when the proposed CCR rule was soon to be released and would radically change management of CCRs).

## II. Promulgation of the Final Rule

EPA proposed the Rule on June 7, 2013.<sup>23</sup> The public comment period lasted until September 20, 2013. Between the end of the comment period and the promulgation of the Final Rule, EPA promulgated a suite of other major rules directed at coal-fired electric generating units. These included the Cooling Water Intake Structures (“CWIS”) rule for existing facilities,<sup>24</sup> the CCR rule,<sup>25</sup> the CPP rule,<sup>26</sup> and the Carbon Pollution Standard for New Power Plants rule (“CPS”).<sup>27</sup> EPA estimates the annualized total social costs<sup>28</sup> of the ELG and CWIS rules will be \$471.2-479.5 million (2013\$) and \$274.9 million (2011\$), respectively.<sup>29</sup> The Agency estimates the total annualized incremental costs of the CCR rule will be \$509-735 million (2013\$) (over 100 years).<sup>30</sup> The CPP is in a class by itself, with EPA predicting annual illustrative compliance costs of \$1.4-2.5 billion (2020), \$1.0-3.0 billion (2025), and \$5.1-8.4 billion (2050) (all in 2011\$).<sup>31</sup> Many of

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<sup>23</sup> 78 Fed. Reg. 34,432 (June 7, 2013).

<sup>24</sup> 79 Fed. Reg. 48,300 (Aug. 15, 2014).

<sup>25</sup> 80 Fed. Reg. 21,302 (Apr. 17, 2015).

<sup>26</sup> 80 Fed. Reg. 64,662 (Oct. 23, 2015).

<sup>27</sup> 80 Fed. Reg. 64,510 (Oct. 23, 2015).

<sup>28</sup> “Total social costs” includes compliance costs to facilities and government administrative costs.

<sup>29</sup> 80 Fed. Reg. at 67,865 (ELG Rule); 79 Fed. Reg. at 48,415 (CWIS Rule).

<sup>30</sup> 80 Fed. Reg. at 21,309.

<sup>31</sup> 80 Fed. Reg. at 64,680-81.

those costs have been challenged as underestimates. In any event, it must be remembered that, ultimately, these billions in costs will be borne by utilities' ratepayers.

The Final ELG Rule was published on November 3, 2015.<sup>32</sup>

### **III. The Litigation Challenging the ELG Rule**

Various petitioners filed seven petitions for judicial review of the Rule in multiple courts. The petitions were consolidated in the United States Court of Appeals for the Fifth Circuit.<sup>33</sup> Three separate groups of Petitioners (including UWAG as an industry petitioner) filed their opening briefs on December 5, 2016. EPA's brief is due May 4, 2017.<sup>34</sup>

### **IV. UWAG's Attempts to Obtain a Complete Record from EPA**

When it promulgated the Final Rule, EPA improperly designated and withheld numerous documents in whole or in part on grounds of CBI. UWAG tried unsuccessfully to resolve these issues with EPA long before EPA finalized the administrative record and filed the certified index in the ELG Litigation. In a letter dated February 17, 2016, counsel for UWAG and others wrote to counsel for

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<sup>32</sup> 80 Fed. Reg. 67,838-903 (Nov. 3, 2015).

<sup>33</sup> Consolidation Order, Judicial Panel on Multidistrict Litigation, ELG Litigation, ECF No. 00513301255 (Dec. 9, 2015).

<sup>34</sup> EPA's brief had been due April 4, 2017. On March 20, 2017, EPA filed a Motion to stay the briefing schedule for 30 days due to DOJ's unexpected reassignment of the case to new counsel. The Court granted the extension on March 21. However, the Rule itself is not stayed during this period. Hence, this Petition seeks an administrative stay of the Rule and/or other action to suspend the Rule's deadlines.

EPA seeking the disclosure of “EPA’s methodologies and analyses supporting the ELG Rule that have been improperly withheld as ... CBI,” and additional “non-CBI information ... improperly withheld from the public record.”<sup>35</sup> In response, EPA refused to produce any additional information for the public record.<sup>36</sup> In fact, EPA apparently could not find a single *sentence or word* of additional information that could be disclosed despite clear evidence that the broad use of CBI designations was inappropriate.

Because the withheld information was critical to understanding the basis for the Rule, UWAG and others industry members thereafter filed a joint motion to complete the record in the Court of Appeals. The motion asked simply for EPA to reconsider whether the information withheld as CBI in fact qualified as CBI and for EPA to produce its methods and analyses in a non-CBI format for the public and the Court. EPA continued to resist the requests. The motion is still pending and is to be decided by the Court in conjunction with the merits of the appeal.

### **REASONS TO RECONSIDER THE RULE**

#### **I. EPA’s Sweeping Use of CBI To Withhold Its Methods and Analyses Violated Principles of Transparency**

EPA withheld its most basic data, methodologies, and analyses from the public record under the guise of CBI. This unprecedented lack of openness is

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<sup>35</sup> Exhibit 1 at 1.

<sup>36</sup> Exhibit 2.



inconsistent with the policies articulated in Regulatory Reform Order for transparency and reproducibility. EPA has a duty to disclose the information supporting the Rule and to fully explain its course of inquiry, analysis, and reasoning. EPA has at its disposal tools that allow it to protect CBI, if necessary, yet EPA used none of them here, instead withholding at least 1,194 documents in whole or in part.

**A. The Overreliance on CBI Is Inconsistent With the Data Quality Act and Agency Guidelines on Transparency and Reproducibility**

In 2001, Congress enacted Public Law 106-554 (“Data Quality Act”) directing OMB to issue guidance for ensuring the quality of data disseminated by Federal agencies by maximizing the objectivity, utility, and integrity of the information collected. OMB responded to the Data Quality Act by issuing guidelines for data quality and directing agencies to issue their own guidelines.<sup>37</sup> In turn, EPA issued its guidelines.<sup>38</sup> The Regulatory Reform Order expressly requires Task Forces to identify regulations that are inconsistent with the Data Quality Act or the guidance issued pursuant to it, “*in particular those regulations that rely in whole or in part on data, information, or methods that are not publicly*

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<sup>37</sup> OMB, *Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by Federal Agencies, Republication*, 67 Fed. Reg. 8452 (Feb. 22, 2002) (“OMB Data Quality Guidelines”).

<sup>38</sup> EPA, *Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility and Integrity of Information Disseminated by the Environmental Protection Agency*, EPA/260R-02-008 (Oct. 2002) (“EPA Data Quality Guidelines”).

*available or that are insufficiently transparent to meet the standard for reproducibility.”*<sup>39</sup> The Rule meets this definition squarely.

According to the OMB Data Quality Guidelines, agency information must satisfy the “objectivity” criterion of the Data Quality Act, meaning “a focus on ensuring accurate, reliable, and unbiased information.”<sup>40</sup> EPA describes the objectivity criterion similarly: “‘Objectivity’ focuses on whether the disseminated information . . . , as a matter of substance, is accurate, reliable, and unbiased.”<sup>41</sup>

Because the record in a major rulemaking is considered to be an “influential” class of information, EPA expressly recognizes that such information is subject to a heightened standard of quality.<sup>42</sup> This “higher degree of quality” requires even greater “transparency about data and methods” to “facilitate the reproducibility of such information....”<sup>43</sup> Indeed, it is “important that analytic results for influential information have a higher degree of transparency....”<sup>44</sup>

EPA’s conclusions in the Rule, as shown below, do not meet the definition of “reproducibility” as a result of the heavy use of CBI:

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<sup>39</sup> Regulatory Reform Order § 3(d)(v), 82 Fed. Reg. at 12,286 (emphasis added).

<sup>40</sup> OMB Data Quality Guidelines at 8459.

<sup>41</sup> EPA Data Quality Guidelines at 15.

<sup>42</sup> *Id.* at 20 (“should adhere to a rigorous standard of quality”).

<sup>43</sup> *Id.* at 20-21.

<sup>44</sup> *Id.* at 21.

“Reproducibility” means that the information is capable of being substantially reproduced, subject to an acceptable degree of imprecision.... With respect to analytic results, “capable of being substantially reproduced” means that independent analysis of the original or supporting data using identical methods would generate similar analytic results, subject to an acceptable degree of imprecision or error.<sup>45</sup>

Likewise, EPA’s conclusions in the Rule do not meet its own guidelines for reproducibility:

In addition, these Guidelines provide for the use of especially rigorous “robustness checks” and documentation of what checks were undertaken. *These steps, along with transparency about the sources of data used, various assumptions employed, analytic methods applied, and statistical procedures employed should assure that analytic results are “capable of being substantially reproduced.”*<sup>46</sup>

Protections for CBI do not automatically dispense with the requirements of reproducibility. The OMB Data Quality Guidelines provide for situations where data cannot be released for valid reasons, and the guidelines impose alternative requirements:

- i. Making the data and methods publicly available will assist in determining whether analytic results are reproducible. However, the objectivity standard does not override other compelling interests such as privacy, trade secrets, intellectual property, and other confidentiality protections.
- ii. In situations where public access to data and methods will not occur due to other compelling interests, agencies shall apply especially rigorous robustness checks to analytic results and document

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<sup>45</sup> OMB Data Quality Guidelines at 8460.

<sup>46</sup> EPA Data Quality Guidelines, Appendix A at 47 (emphasis added).

*what checks were undertaken. Agency guidelines shall, however, in all cases, require a disclosure of the specific data sources that have been used and the specific quantitative methods and assumptions that have been employed.*<sup>47</sup>

These heightened standards of transparency and reproducibility lay out a clear analytical process for each individual assertion of CBI by EPA. Is the information in fact CBI? If not, EPA must make it available to the public with the Rule. If the information is CBI, then EPA must perform “especially rigorous robustness checks,” disclose the sources of information, and disclose the specific quantitative methods and assumptions used.

The record supporting the Rule did not meet the requirements for reproducibility, regardless of whether EPA’s individual claims of CBI were valid. In many instances documented below and in the ELG Litigation,<sup>48</sup> the CBI claims were specious on their face. In other instances where the CBI designation may or may not be warranted, there is scant evidence of “robustness checks,” documentation of those checks, or other assurances of reproducibility, such as sources of data, various assumptions applied, and analytic methods applied. Thus, the industry and the public have been unable to evaluate the Rule fully.

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<sup>47</sup> OMB Data Quality Guidelines at 8460 (emphasis added). *See also* EPA Data Quality Guidelines at 21 (implementing same).

<sup>48</sup> *See* Industry Petitioners’ Joint Motion to Complete the Administrative Record, ELG Litigation (June 22, 2016), ECF No. 00513560826 (“Motion to Complete Record”); Original Brief of Industry Petitioners, ELG Litigation (Dec. 5, 2016), ECF No. 00513783903 at 24-51.

Reconsideration is appropriate to allow meaningful public participation consistent with the policies of the Regulatory Reform Order.

**B. EPA Can Make the Relevant Information Available Without Compromising CBI**

EPA has available a variety of tools to present facts and analyses on which it relied, while at the same time protecting CBI. It has used those tools in many other effluent guidelines rulemakings.<sup>49</sup> EPA could, for instance, produce ranges of values, graphs, cost formulas or curves, discussions, or other analyses, as appropriate, to satisfy its obligations to present the “whole record” for review, including its methodologies and analyses, without disclosing CBI.<sup>50</sup>

In addition, EPA could have simply taken the time to collect more data that are not CBI. It could have supplemented the CBI information with information from other sources or consultants who would not assert CBI. Likewise, EPA could have conducted or commissioned its own studies to independently verify the information claimed as CBI. Reconsideration would allow this.

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<sup>49</sup> See, e.g., EPA, *Development Document for Final Effluent Limitations Guidelines and Standards for the Iron and Steel Manufacturing Point Source Category* (Apr. 2002), at 1-9, 14-3–14-6 (aggregating certain data in the public record and masking facility identities) (available at <http://www.epa.gov/eg/iron-and-steel-manufacturing-effluent-guidelines-documents>) (last accessed Dec. 2, 2016).

<sup>50</sup> See *NRDC v. Thomas*, 805 F.2d 410, 418 n.13 (D.C. Cir. 1986).

**C. EPA Has Not Been Transparent About the Cost or Performance of BAT for FGD Wastewater or Bottom Ash Transport Water**

Congress has limited EPA's discretion in the selection of BAT by identifying specific factors the Agency must consider.<sup>51</sup> Because BAT must be "economically achievable," one such factor EPA must consider is cost.<sup>52</sup> The cost of regulations is also a policy priority under the Regulatory Reform Order. The CWA further requires EPA to consider the performance of the technology at reducing pollutants.<sup>53</sup> Performance and cost go hand-in-hand, as improving performance may require adding more technology, which then increases cost. The interplay of cost and performance is also a point of emphasis in the Regulatory Reform Order, which mandates a focus on cost-benefit analyses.

EPA bears the burden of demonstrating that it has considered the cost of the technology it chose as BAT and showing that the technology, at the cost EPA projected, will achieve the performance standards it set. Here, EPA's explanation of its performance and cost estimates for the technologies it chose as BAT for FGDW and BATW were general conclusions with crucial detail missing.

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<sup>51</sup> 33 U.S.C. § 1314(b)(2)(B).

<sup>52</sup> *Id.* ("Factors relating to the assessment of best available technology shall take into account ... the cost of achieving such effluent reduction....").

<sup>53</sup> *Id.* at § 1314(b)(2)(A); see *E. I. du Pont de Nemours & Co. v. Train*, 430 U.S. 112, 131 (1977).

At the proposed rule stage, EPA discussed these technologies and its methodologies and analyses for evaluating their cost. EPA provided significantly more detail about its methodologies when it published the proposed ELG rule for public comment.<sup>54</sup> When EPA then took comments from the public, it learned – and in some instances even acknowledged – that its performance and cost analyses had shortcomings, overstating performance and understating cost.<sup>55</sup> This meant that EPA was required to collect additional information, make changes, and explain the changes in the Final Rule.

Transparency in the Final Rule was even more vital because EPA’s errors at proposal were not trivial. For example, comments on the proposed Rule showed that, industry-wide, the cost of installing biological treatment alone for FGDW would nearly exceed EPA’s estimated costs for adding both biological treatment and chemical precipitation treatment.<sup>56</sup> Indeed, one company’s comments showed that the cost of installing EPA’s selected FGDW treatment technology at its plants would be nearly *seven times higher* than EPA had estimated for a subset of those

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<sup>54</sup> See, e.g., Index.2292.6-88–6-105. [This Petition uses the same convention for citations to EPA’s administrative record as in the Litigation by referring to the Certified Index. See Original Brief of Industry Petitioners at 5 n.11.]

<sup>55</sup> See, e.g., Index.10081.6-665 (EPA agreeing with commenters who indicated that EPA should consider engineering-related costs and construction timelines associated with closed-loop bottom ash handling retrofits).

<sup>56</sup> See Index.8939.A-25 (finding incremental biological costs of over \$2 billion).

same plants.<sup>57</sup> Similarly, the Electric Power Research Institute (“EPRI”)<sup>58</sup> was unable to reproduce EPA’s conclusions regarding the ability of biological treatment to remove pollutants from FGDW.<sup>59</sup> Based on EPRI’s calculations, EPA had overestimated pollutant removals for biological treatment by a factor of eight.<sup>60</sup>

EPA’s cost estimate for achieving no-discharge of BATW was likewise off by a wide margin. For example, after identifying a host of errors and omissions, EPRI calculated total industry capital costs for conversion from wet to dry bottom ash handling, just for plants with a nameplate generating capacity above 400 megawatts, to be over \$6 billion and \$452 million in annual O&M costs – more than double EPA’s estimate.<sup>61</sup>

# **1. EPA Has Withheld Key Information Showing How the Agency Responded to Criticisms of Its Original Analyses**

EPA responded to these comments by soliciting revised information from financially interested vendors. These are the same vendors whose technology was at issue and who had incentives to tout their systems as effective and reasonably

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<sup>57</sup> Index.8689.160 (Southern Company).

<sup>58</sup> EPRI is an independent, nonprofit organization that conducts research and development relating to the generation, delivery, and use of electricity.

<sup>59</sup> Index.8939.4-2.

<sup>60</sup> *Id.* at 4-1.

<sup>61</sup> Index.8939.8-2.



priced. Much of the revised information – *and how EPA incorporated it into the final analyses* – was withheld. Thus, the public cannot determine whether EPA in fact corrected the original errors or whether the revised analyses are themselves appropriate. This flies in the face of the APA and the directives of the Regulatory Reform Order.

As Industry Petitioners have described at length, EPA’s contacts with vendors demonstrate how EPA consciously chose to conceal the substance of its final cost analysis.<sup>62</sup> EPA prepared follow-up questions for one vendor “to clarify whether specific cost elements [identified by commenters] are included or not included in the cost estimates provided in previous correspondence,” among other things.<sup>63</sup> The vendor responded to these questions, but that information has been withheld from the public record.<sup>64</sup>

Notes of subsequent meetings and correspondence between EPA and the vendor are similarly missing from the public record, nearly always in their entirety.<sup>65</sup> These inaccessible documents go to the heart of how EPA addressed the cost issue.

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<sup>62</sup> See Original Brief of Industry Petitioners at 30-32, 39-40.

<sup>63</sup> Post Proposal Questions for GE\_for EPA Review, Index.11564.3.

<sup>64</sup> See CBI\_GE Response to Post Proposal Questions, Index.11680.

<sup>65</sup> See Original Brief of Industry Petitioners at 30-32, 39-40.

## 2. In the Final Rule, EPA Hid Cost and Effectiveness Data, Methodologies, and Analyses Behind CBI

### a. Cost

Using CBI as a pretext, EPA provided only its bare conclusions in the public record regarding many of its cost analyses. The Agency has not provided supporting detail for those analyses (anonymized or otherwise). Despite comments showing that EPA had omitted or grossly underestimated various costs for the proposed rule and despite the fact that EPA *added* new technology requirements, these final costs inexplicably *decreased* on a per-plant basis for FGDW. The average capital cost per plant went from just over \$21.5 million for the Proposed Rule to approximately \$20.5 million for the Final Rule.<sup>66</sup> And the average annual O&M costs went from approximately \$2.2 million to approximately \$1.4 million.<sup>67</sup>

EPA's revised cost figures cry out for explanation. Yet, EPA suggests only that it considered public comments and changed its analysis "where appropriate," but without ever explaining *how*.<sup>68</sup> This is not transparency, and it certainly eliminates any opportunity for reproducibility.

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<sup>66</sup> Compare Index.2920.9-28 with Index.12840.9-32.

<sup>67</sup> *Id.* (averages were calculated by dividing total industry cost by number of plants).

<sup>68</sup> See, e.g., Index.12840.3-20 ("EPA evaluated public comments to identify plant-specific operation and flow data and, where appropriate, used this information to revise estimates of compliance costs and pollutant removals for those facilities....").

Despite the requirement to explain what it did, EPA withheld the underlying data, methodologies, and analyses under the guise of CBI. For example, they are missing from EPA's *Final Sanitized Steam Electric Incremental Costs and Pollutant Loadings Report* ("Final ICPR"), which EPA points to as "describ[ing] the methodologies used to estimate plant-specific compliance costs ... associated with installing and operating the various technologies and practices that make up the regulatory options considered by EPA to revise the existing ELGs."<sup>69</sup>

Unquestionably, this document was central to EPA's development of the Final Rule, yet information necessary to reproduce EPA's results is absent.

The Final ICPR is the only document that described EPA's consideration of costs and pollutant removals in full. The Final Technical Development Document<sup>70</sup> referred directly to the ICPR for detailed explanations of EPA's methodology.<sup>71</sup> Despite EPA's express reliance on this key document, the referenced subsections were redacted *in their entirety*. Again, this flies in the face of transparency and reproducibility.

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<sup>69</sup> Index.12134.1-1.

<sup>70</sup> EPA, *Technical Development Document for the Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category*, EPA-821-R-15-007 (Sept. 2015), EPA-HQ-OW-2009-0819-6432 ("TDD"),

<sup>71</sup> See, e.g., Index.12840.9-25 (indirect capital costs methodology).

In fact, EPA withheld hundreds of pages of information from the Final ICPR as CBI.<sup>72</sup> The table of contents revealed the titles of the missing sections and subsections, and those titles made clear the vital nature of the withheld information.<sup>73</sup> In Section 5 alone, one can see that basic subject matter about cost was redacted:<sup>74</sup>

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<sup>72</sup> See Index.12134 (un-paginated placeholder between 4-35 and 9-1, noting that Sections 5, 6, 7, and 8 “have been removed from this document”).

<sup>73</sup> See *id.* at ii-vii.

<sup>74</sup> *Id.* at ii-iii.

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According to its title, the missing Section 5 explains EPA’s “General Methodology, Terminology, and Common Cost Elements.” The missing subsections provided the “General Cost Methodology and Terminology” and other more specific cost methodologies, as well as the technologies evaluated.

The same is true for Sections 6 through 8. These sections laid out EPA’s methodologies for analyzing costs and technologies for treating FGDW, fly ash

transport water, and BATW.<sup>75</sup> EPA redacted *all* of these sections and subsections. Under the pretext of CBI, EPA withheld over 250 pages in the Final ICPR.

While these sections or subsections might contain *some* CBI, the underlying methodologies themselves are necessary to understanding what EPA did and why. These missing pages are critical to determining whether EPA's promulgation of the Final Rule was reasonable. It is impossible to reproduce EPA's cost findings without the basic details on the methodology.

b. Effectiveness of BAT Technologies

In the Final Rule, EPA claimed that “biological treatment [is] well-demonstrated” technology for the treatment of FGDW.<sup>76</sup> But the public record hardly supports such an overarching conclusion. Nothing in the public record demonstrates that biological treatment can treat all of the industry's FGDW effectively.

EPA focused on a combination of two treatment systems for FGDW: chemical precipitation treatment (for mercury and arsenic) followed by biological treatment (for selenium and nitrate/nitrite).<sup>77</sup> These treatment systems are complex, multi-component technologies that must be designed and sized to treat a

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<sup>75</sup> *Id.* at iii-vii (Section 6, 7, and 8 entitled “FGD Wastewater Cost Methodology,” “Fly Ash Transport Water Cost Methodology,” and “Bottom Ash Transport Water Cost Methodology,” respectively).

<sup>76</sup> 80 Fed. Reg. at 67,850.

<sup>77</sup> Proposed Rule, 78 Fed. Reg. at 34,458 (Table VIII-1).

specific mix of pollutants, in terms of pollutant type, load, and distribution.<sup>78</sup> The use of biological treatment for FGDW treatment – and particularly for removal of selenium – is a relatively new innovation. The complexity and variability of FGDW make it difficult to treat using biological processes, which depend on stable conditions to maintain the microorganisms on which treatment depends. For instance, changes in temperature or in wastewater constituents, such as percentage of solids or an increase in chlorides, can cause system upsets.<sup>79</sup>

As explained in detail in the ELG Litigation, EPA’s reliance on CBI prevented any demonstration that biological treatment is effective when a plant’s FGDW contains high amounts of chloride.<sup>80</sup> Furthermore, EPA withheld correspondence with vendors that may undermine claims regarding the general efficacy of biological treatment. In one striking document, EPA redacted nearly everything of value as CBI regarding these issues.<sup>81</sup> The document suggested there are difficulties or, at the very least, important variables affecting the system’s capabilities.<sup>82</sup>

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<sup>78</sup> Index.2920.7-4–7-13 (EPA’s description of chemical precipitation and biological treatment technologies).

<sup>79</sup> *See, e.g.*, Index.9123.21-23.

<sup>80</sup> *See* Original Brief of Industry Petitioners at 38-39.

<sup>81</sup> Index.11999.

<sup>82</sup> *Id.* at 1-2 (all redactions in original).

- “GE reports [Redacted]. While GE has [Redacted]. GE is [Redacted] to control oxidants and ORP.”
- “GE reports that thus far, any issues related to high oxidants or [Redacted]. GE believes these issues with [Redacted].”
- “The ABMet™ system can process wastewater with [Redacted] nitrate concentrations. [Redacted] with a membrane bioreactor (MBR) or stirred tank system with MBR to [Redacted] prior to treatment with the ABMet™ system. Alternatively, the ABMet™ system can be designed to [Redacted].”
- “EPA inquired about any existing biological treatment systems having operational issues. GE reported [Redacted].”
- “GE indicated [Redacted].”
- “EPA inquired about the mechanism used to remove selenium from the backwash stream. GE noted that [Redacted].”

Given these extreme redactions, EPA’s analysis was not transparent, and its conclusions are not reproducible.

**D. EPA has Not Documented Any “Especially Rigorous Robustness Checks” on Information Supplied by Third-Party Vendors With a Financial Stake in the Rule**

As a general matter, EPA’s duty to perform “robustness checks” is heightened when it relies on the expertise of third parties with a financial stake in the Agency’s action. According to both the OMB Data Quality Guidelines and the EPA Data Quality Guidelines, a fundamental criterion for the “quality” of information is whether the information is “unbiased.”<sup>83</sup> If EPA chooses to rely on

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<sup>83</sup> OMB Data Quality Guidelines at 8459; EPA Data Quality Guidelines at 15.



self-interested outside vendors, the record must establish that the Agency critically analyzed the vendors' information due to the risk of bias. "An agency may not ... reflexively rubber stamp information prepared by others."<sup>84</sup>

Here, EPA solicited information about the cost and performance of treatment technologies from the very vendors that would benefit financially from EPA's designation of their technologies as BAT. Because EPA's verification of vendor-supplied information is not available anywhere in the record, EPA did not satisfy its obligation to establish *reasonable* reliance on that information.

**E. EPA's Lack of Transparency Is Evident in Its Responses to Public Comments That Cite Information Withheld from the Public Record**

It is axiomatic that responses to public comments should advance the regulatory goals of transparency and reproducibility. Yet, for the ELG Rule, EPA's responses to comments demonstrate its failure to meet these goals. In its responses to comments, EPA referenced documents withheld, in whole or part, nearly 300 times under the pretext of CBI.<sup>85</sup> At least 53 of those references were to sections removed from the Final ICPR, which contains EPA's analysis of costs associated with the various technologies EPA considered and ultimately selected as BAT – 5 times to Section 5 (General Methodology, Terminology, and Common

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<sup>84</sup> *Coliseum Square Ass'n, Inc. v. Jackson*, 465 F.3d 215, 236 (5th Cir. 2006), *cert. denied*, 552 U.S. 810 (2007) (internal quotation omitted).

<sup>85</sup> EPA cited documents entirely withheld 165 times and partially withheld 112 times.

Cost Elements), 30 times to Section 6 (FGD Wastewater Cost Methodology), 4 times to Section 7 (Fly Ash Transport Water Cost Methodology), and 14 times to Section 8 (Bottom Ash Transport Water Cost Methodology). Many of the “responses” corresponded to a public comment about an issue EPA is statutorily required to consider.<sup>86</sup> Thus, they were of central significance to the Final Rule.

Without the underlying documents referenced by EPA in its responses, the “responses” are reduced to summary conclusions. The responses cannot be reproduced or fully reviewed and, therefore, are inadequate. Referring commenters to unavailable CBI is effectively no response at all.

Beyond the policies of the Executive Orders, EPA has a legal duty to respond to public comments.<sup>87</sup> EPA has failed to satisfy either the regulatory policies expressed in the Executive Orders or the bare legal minimum required by the APA. Therefore, the Rule should be re-opened.

## **II. EPA Did Not Demonstrate That Biological Treatment is Technologically “Available”**

A fundamental premise of “good science” and the regulatory reform agenda is that agencies must base regulations on adequate data. Although EPA sampled FGDW at several plants during development of the Rule, the resulting data do not

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<sup>86</sup> For several pertinent examples pertaining to the statutory factors of cost, technical achievability, and facility age, *see* Original Brief of Industry Petitioners at 46-51.

<sup>87</sup> *PPG Indus., Inc. v. Costle*, 630 F.2d 462, 466 (6th Cir. 1980). *See* 5 U.S.C. § 553(c) (2015); *Nat’l Wildlife Fed’n v. Costle*, 629 F.2d 118, 134-35 (D.C. Cir. 1980).

capture the full range of FGDW variability across the broader industry as well as within a single facility throughout the year. As industry members emphasized in their comments on the proposed rule, FGDW quality is dependent on numerous factors. Those factors include coal quality, cycles of concentration in the FGD scrubber that impact chloride and other dissolved solids concentrations, residence time within the scrubber, and chloride and magnesium levels in the various reagents (*e.g.*, limestone) used in the scrubber to remove sulfur dioxide from the flue gas. In addition to the variability of FGD wastewater, industry has noted other factors that can affect the performance of biological treatment systems, specifically the FGDW chemistry, including the oxidation-reduction potential, nitrate concentration, and the various forms of selenium, some of which may be less efficiently captured in biological treatment. Other factors include cycling on and off of coal units, which can interfere with a continuous, steady FGD wastewater feed to the system, and temperature swings, which can inhibit the biological reaction rate. All of these factors can contribute to FGD wastewater variability whether the fuel is bituminous, subbituminous or lignite coal, or a blend of coals.

As just one example of this variability, the following sections focus on the differences between FGDW from bituminous and subbituminous plants and how those differences impact system performance. While EPA collected wastewater samples at a subbituminous plant, the plant did not have a biological treatment

system. In fact, *not one* of the subbituminous- or lignite-burning coal plants in EPA's database had biological treatment as part of its FGDW system.<sup>88</sup> Nor were any pilot test data for biological treatment available in the record for such facilities. Therefore, when promulgating the Rule, *the Agency did not demonstrate – and could not demonstrate – the feasibility of biological treatment for 16-25% of all plants (i.e., those burning subbituminous or lignite coal) subject to the new FGD limits.*<sup>89</sup> This was arbitrary, relied on an analysis that is not reproducible, and should be reconsidered.

Additionally, a new pilot study investigating biological treatment at a subbituminous-burning plant appears likely to demonstrate that the plant *cannot meet the FGDW limits using the technology EPA established as BAT*. UWAG is confident that these new data will confirm what industry has been saying all along: FGDW from plants burning subbituminous coal is different from that of plants burning bituminous coal, and the limits the Rule established for FGDW are

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<sup>88</sup> The Rule's analytical database includes some data from Hatfield's Ferry, a plant that at the time burned a blend of PRB and Eastern bituminous coal. However, that plant did not have a biological treatment system for its FGD wastewater. *See* Index.1653.1.3-5. It also includes data from We Energies' Pleasant Prairie Plant which burns PRB coal but which also did not have biological treatment. *See* Index.9778.206.

<sup>89</sup> EPA based its estimates of plants burning subbituminous and lignite coals on EPA survey data. The survey collected information through 2009. But at the final rule stage, EPA asserted that, after accounting for "announced retirements," there were no lignite-burning plants discharging FGD wastewater. Index.10078.3-525. However, industry comments demonstrate that several lignite-burning plants are authorized to discharge FGD wastewater. *See* Index.9753.5.

therefore not appropriate. The limits also are not appropriate because plants burning bituminous coal can experience extreme FGDW variability due to a range of factors. EPA should grant this Petition and reconsider these limits based on appropriate and sufficient data that are broad enough to encompass the full range of coal-fired operations.

**A. Differences Among Coal Types Have Significant Implications for the Performance and Cost of Biological Treatment**

According to EPA, out of 100 plants identified as discharging FGDW in 2009, 15 to 20 plants burn subbituminous coal and 1 to 5 burn lignite.<sup>90</sup> This is important because coals vary greatly not only in their price,<sup>91</sup> availability, and heating value, but also in the air emissions they produce when burned,<sup>92</sup> the applicability and performance of air emissions control technologies,<sup>93</sup> and the characteristics of wastewater resulting from use of those air emissions control

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<sup>90</sup> Index.12840.6-5(Table 6-2). EPA also identified 10-15 plants that burn two or more coal types. *Id.* Whether those plants can meet the limits is also in question.

<sup>91</sup> *See, e.g.*, Index.12372.215 (listing coal prices by types – bituminous, subbituminous, lignite, and anthracite – for selected years from 1949-2011).

<sup>92</sup> Different coals contain differing amounts and combinations of pollutants, including sulfur, hydrogen chloride, and mercury, which are important factors for designing and operating air emission technologies and managing the resulting wastewaters. *See* Index.12377.9-12.

<sup>93</sup> EPA has acknowledged differences between electric generating units based on coal types in other rulemakings. In the Mercury and Air Toxics Rule, EPA set different hazardous air pollutant emission standards based on coal ranks. 79 Fed. Reg. 24,073, 24,088 (Apr. 24, 2013).

technologies.<sup>94</sup> None of these facts is disputable. They apply with equal force to plants burning bituminous coal.

Nor can there be any dispute that steam electric units are typically designed to handle a certain coal type or types. A unit designed to burn a subbituminous coal such as PRB coal cannot simply switch to burning bituminous coal. Before any fuel switch, the facility operator would need to consider air pollution controls and permit limitations and operational changes necessary to accommodate the switch. The same is true for lignite plants. Therefore, fuel switching is not the remedy to issues arising from burning a certain variety of coal.

**B. The Rule Arbitrarily Ignored the Differences Between FGD Wastewater from Subbituminous Coal and FGD Wastewater from Bituminous Coal**

The Rule was based on several mistaken assumptions. Among them, EPA wrongly assumed that subbituminous-burning plants can achieve FGD limits derived using data for plants burning bituminous coals (and limited data at that) because biological treatment systems provide “a mechanism to reduce selenium and nitrate/[nitrite]” and because the selenium and nitrate/nitrite present in FGDW, whether derived from bituminous or subbituminous coal, “is not different.”<sup>95</sup> The record refutes this flawed conclusion. The effectiveness and cost of wastewater

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<sup>94</sup> Index.47.4-17 (noting pollutant concentrations in FGD scrubber purge vary due to, among other factors, “air pollution control systems operated upstream of the FGD system.”).

<sup>95</sup> Index.10080.5-450—5-451.

treatment systems depend on the full pollutant “matrix” – that is, the specific mixture of pollutants as well as their individual characteristics – of the wastewater being treated.

The record demonstrates that FGDW from subbituminous-burning plants is substantially different from FGDW from bituminous-burning plants. The table below summarizes four-day average EPA data for FGDW exiting the chemical precipitation portions of the FGDW treatment systems at Allen and Belews Creek Stations, which burn Eastern bituminous coal, and at Pleasant Prairie Power Plant, which burns PRB coal.<sup>96</sup> The table compares dissolved fractions of constituents after the chemical precipitation system at all three facilities.<sup>97</sup>

For nitrates, the dissolved fraction of Pleasant Prairie’s chemical precipitation effluent is more than *8 times* the values for both Allen and Belews Creek. For selenium, Pleasant Prairie’s effluent is about *23 times* that of Allen and almost *twice* the Belews Creek value.<sup>98</sup>

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<sup>96</sup> At Belews Creek and Allen, this is a midpoint sample in the wastewater treatment system (chemical precipitation effluent), prior to biological treatment. But at Pleasant Prairie, the sampling point representing chemical precipitation effluent is the end of the FGDW treatment system since it has no biological treatment. Allen and Belews Creek use both chemical precipitation and biological treatment to treat their FGDW (Index.1992.2-2; Index.1954.2-3), while Pleasant Prairie uses a chemical precipitation system (Index.1966.2-3).

<sup>97</sup> See Index.1992.4-7–4-10(Table 4-2); Index.1954.4-16–4-18(Tables 4-4,4-5); Index.1966.4-12–4-14(Tables 4-3,4-4).

<sup>98</sup> The record contains additional documentation of the substantial differences in FGD wastewater influent between bituminous and subbituminous plants. See, e.g., EPRI, *Pilot-Scale and Full-Scale Evaluation of Treatment Technologies for the Removal of Mercury and Selenium*

**Comparison of 4-Day Average FGDW Treatment After Chemical  
Precipitation at Allen, Belews Creek, and Pleasant Prairie<sup>99</sup>**

<b>Analyte</b>	<b>Unit</b>	<b>4-Day Average Dissolved Effluent, Allen (E. Bituminous)</b>	<b>4-Day Average Dissolved Effluent, Belews Creek (E. Bituminous)</b>	<b>4-Day Average Dissolved Effluent, Pleasant Prairie (PRB)</b>
Aluminum	(ug/l)	NQ <sup>100</sup>	ND	NQ
Arsenic*	(ug/l)	NQ	NQ	4.85
Boron	(ug/l)	58,600	150,000	9,930
Calcium	(ug/l)	1,750,000	3,490,000	639,000
Chloride	(mg/l)	3,300	7,780	1,950
Magnesium	(ug/l)	396,000	738,000	3,560,000
Manganese	(ug/l)	393	NQ	10,800
Mercury	(ng/l)	342	46,200	22.3
Nitrate/Nitrite	(mg/l)	13.3	19.8	160
Selenium	(ug/l)	91.1	1,210	2,080
Sodium	(ug/l)	31,300	48,900	518,000
Sulfate	(mg/l)	1,400	1,380	15,500
TDS	(mg/l)	7,560	20,100	22,400

\*The pollutants highlighted are those for which EPA set new BAT limits.

In addition to the pollutants EPA chose to regulate, the values for many pollutants that EPA chose *not* to regulate – but which may affect the efficiency or

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*in Flue Gas Desulfurization Water*, Index.12102.3-4,3-5,3-8,3-23 (showing much higher selenium and nitrate levels for the subbituminous plant).

<sup>99</sup> Index.1992.4-7-4-10; Index.1954.4-16-4-18; Index.1966.4-12-4-14.

<sup>100</sup> “NQ” means the analyte was measured above the detection limit but below the quantitation limit for all four sampling days. “ND” means the analyte was below the detection limit and could not be quantified.



proper operation of the treatment system – are also quite different. For instance, the 4-day average sulfate level in the Pleasant Prairie influent is more than 11 times that of Allen or Belews Creek. Sulfate levels can affect the operation of the system by causing calcium sulfate scaling, in which mineral deposits build up inside the treatment system’s piping and equipment.<sup>101</sup> At Pleasant Prairie, even with lime addition as a pretreatment step, the remaining high sulfate levels necessitate weekly cleaning of the secondary clarifier.<sup>102</sup> Without this regular cleaning, “excessive scale would build up and affect the performance of the clarifier.”<sup>103</sup> This scaling issue is likely to impact both the denitrification system<sup>104</sup> EPA added to the model technology treatment chain and the biological treatment system meant to target nitrate/nitrite and selenium removal.

The presence of high TDS also can complicate treatment of FGDW. Within the biological treatment system, high TDS may interfere with attachment sites for bacteria, lessening the effectiveness of treatment.<sup>105</sup> As indicated in the table

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<sup>101</sup> Index.12102.4-3.

<sup>102</sup> Index.11876 (response to Question 19).

<sup>103</sup> *Id.*

<sup>104</sup> EPA has not demonstrated the use of a denitrification system as part of FGD wastewater treatment at any plant burning subbituminous coal, even though it accounted for denitrification costs at Pleasant Prairie and Hatfield’s Ferry (which burns a blend of subbituminous and bituminous coals). Index.12264.Worksheet-List\_of\_Plants. Nonetheless, EPA simply assumes the additional technology will not be subject to operational issues such as scaling.

<sup>105</sup> EPRI, Index.12102.4-4.

above, EPA's 4-day average for Pleasant Prairie demonstrates a TDS level that is about 3 times that of Allen and also higher than Belews Creek. Data in the record show that TDS levels can be as high as 50,000 mg/l,<sup>106</sup> which is approximately 6 *times* the Allen 4-day average and almost 2.5 *times* the Belews Creek average.

EPA tries to negate the TDS issue by pointing to a pilot study at Petersburg Station in which TDS "ranged as high as 27,000 mg/L."<sup>107</sup> But Petersburg burns bituminous coal, so its results are irrelevant for subbituminous- and lignite-burning plants. Moreover, since FGDW influent can contain TDS at levels almost double the amount documented at Petersburg,<sup>108</sup> the pilot study fails to demonstrate that biological treatment systems can handle high TDS levels from subbituminous fuels equally as well as TDS levels from bituminous fuels.

Notably, the table also demonstrates substantial variability between bituminous-burning plants. In particular, the selenium, mercury, and TDS values for Allen and Belews Creek are very different. A review of additional bituminous plants would likely reveal even greater variability.

Without data, it is not reasonable to *assume* – as EPA did – that biological treatment systems will work for all types of FGDW. The feasibility of biological

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<sup>106</sup> Index.126.2-3.

<sup>107</sup> Index.10080.5-365 (citation omitted).

<sup>108</sup> Index.126.2-3.

treatment for subbituminous-, lignite-, and bituminous -burning plants must be demonstrated through actual data that are representative of system variability.

Reconsideration will allow just that.

**C. Including Old Pleasant Prairie Data Did Not Remedy the Lack of Biological Treatment Data for Subbituminous Plants**

Industry members commented extensively on the viability of biological treatment systems for subbituminous-burning plants. We Energies, the owner of Pleasant Prairie, commented that “nothing in the rulemaking record demonstrates that facilities burning subbituminous coal can meet the proposed selenium and nitrate/nitrite limitations.”<sup>109</sup> The company urged EPA to “recalculate effluent limitations for FGD wastewater using a more robust set of data that represents the variability of FGD wastewater across the industry” and to include data from at least one plant burning solely subbituminous coals.<sup>110</sup>

In response, EPA explained that, between the proposed and final rules, it decided to use Pleasant Prairie data:<sup>111</sup>

By including Pleasant Prairie in the dataset, the effluent limitations are based on data that include plants burning bituminous coal, subbituminous coal, and blends of bituminous and subbituminous coals. The record demonstrates that the chemical precipitation plus biological treatment BAT basis is effective at removing the pollutants present in FGD wastewater regardless of the type of coal that is

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<sup>109</sup> Index.8923.3.

<sup>110</sup> *Id.*; *see also* Index.9778.116 (UWAG).

<sup>111</sup> Index.10084.9-368.

burned, and in particular those pollutants for which EPA is establishing effluent limitations. See, e.g., the pollutant removal performance for arsenic and mercury.

EPA's response was misleading. Those Pleasant Prairie data were relevant *only* to the mercury and arsenic limits, which are based on chemical precipitation. The facility did not have biological treatment. The performance of Pleasant Prairie's chemical precipitation system as to arsenic and mercury was irrelevant to the performance of the biological treatment portion of the technology. Thus, EPA was wrong that "[t]he record demonstrates that the chemical precipitation plus biological treatment BAT basis is effective at removing the pollutants present in FGD wastewater regardless of the type of coal that is burned."<sup>112</sup>

EPA further misled by claiming: "The data in the record also shows that the biological treatment technology is effective at removing nitrate-nitrite and the different forms of selenium present in FGD wastewater; *that is proven true for every type of coal that has been tested with the technology.*"<sup>113</sup> Note EPA's qualified language: biological treatment is effective for "every type of coal *that has been tested with the technology.*" That is the point. As of the final ELG Rule, subbituminous and lignite coal had not been tested with the technology, and thus

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<sup>112</sup> Contrary to EPA's assertion, it also has not demonstrated that plants burning a blend of bituminous and subbituminous coals can meet the selenium and nitrate/nitrite limits. The only plant burning a blend of coals during EPA's sampling was Hatfield's Ferry, which had no biological treatment system.

<sup>113</sup> *Id.* (emphasis added).

the *technology is not demonstrated for those coal types*. To set limits without appropriate supporting data was arbitrary and capricious and should be reconsidered.<sup>114</sup>

**D. EPA’s Theorizing About the Efficacy of Biological Treatment Did Not Satisfy its Obligation to Base Limits on *Demonstrated Performance***

Lacking data, EPA nonetheless declared there is no “theoretical reason” why biological treatment would not be effective at plants burning subbituminous coal.<sup>115</sup> It based its “theoretical” judgment on two specious arguments.

First, EPA said that “[t]here is nothing unique about the form of selenium or nitrate-nitrite that is present in FGD wastewater at plants burning subbituminous (or any other type of coal) ....”<sup>116</sup> This statement misses the point. Although the specific types of selenium and nitrate/nitrite in FGDW may generally be the same across coal types, the differences between FGD *wastewater* from bituminous coals and that from subbituminous coals can be significant.<sup>117</sup> As shown by EPA’s own

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<sup>114</sup> See *Chemical Mfrs. Ass’n v. EPA*, 885 F.2d 253, 265 (5<sup>th</sup> Cir. 1989), *cert. denied sub nom. PPG Indus. v. EPA*, 495 U.S. 910 (1990) (EPA failed to demonstrate a “reasonable basis for its conclusion” where it tried to use data from end-of-pipe biological treatment systems to justify in-plant biological treatment systems).

<sup>115</sup> Index.10084.9-368.

<sup>116</sup> *Id.*

<sup>117</sup> And as already noted, EPA failed to capture the variability of FGDW across the industry. Even two plants burning bituminous coal can have very different FGDW characteristics due to differences in coal constituents or differences in operational conditions, such as cycles of concentration within the scrubbers.

data for the Allen, Belews Creek, and Pleasant Prairie plants, the wastewaters differ in material ways.

Nonetheless, EPA simply asserted that “the characteristics of wastewater from subbituminous plants (as evidenced by the data for Pleasant Prairie ...) are similar to the characteristics of wastewater from plants burning bituminous coal (i.e., ... Belews Creek ...).”<sup>118</sup> It is simply not true that all concentrations and characteristics of FGDW from subbituminous plants are similar to those for bituminous plants.<sup>119</sup> But even if they were “similar,” comparing pollutant concentrations is not sufficient for demonstrating that biological treatment is feasible and available for subbituminous and lignite plants.<sup>120</sup>

Second, the Agency claimed it considered and ruled out whether other pollutants or wastewater characteristics unique to subbituminous coal would

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<sup>118</sup> *Id.*

<sup>119</sup> *See supra* at 54-58.

<sup>120</sup> At the proposed rule stage, EPA did not include data from Pleasant Prairie, the only subbituminous-burning plant it sampled. EPA, *Technical Development Document for the Proposed Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category*, EPA-821-R-13-002 (Apr. 2013), EPA-HQ-OW-2009-0819-2257 at 10-6. But for the Final Rule, EPA included mercury and arsenic data from Pleasant Prairie in the dataset used to derive the FGD limits. Analytical Database for the Steam Electric Rulemaking, EPA-HQ-OW-2009-0819-5640. As a result of including the Pleasant Prairie data, the mercury daily maximum limit rose from 242 to 788 nanograms per liter, and the mercury monthly average rose from 119 to 356 nanograms per liter. Both arsenic limits also increased. The magnitude of the mercury changes are very significant, and indicate that including data from subbituminous-burning plants is essential to deriving appropriate limits.

potentially interfere with biological treatment.<sup>121</sup> With this statement, EPA waved away possible operational difficulties from scaling (as can be caused by high sulfate levels) or from high TDS (which can potentially impact biological treatment performance). Yet, these problems occur at facilities burning subbituminous coals, and EPA's justification was patently inadequate.

It is telling that, when promulgating the Rule, EPA urged all plants to perform site-specific pilot studies before installing FGDW equipment.<sup>122</sup> These studies are necessary, according to EPA, to assess wastewater characteristics and determine the most appropriate technologies and their design (*e.g.*, sufficient capacity and residence time) to handle the variability of the particular FGD wastewater.<sup>123</sup> EPA specified that the studies should be conducted “over a long enough period of time that will include variability in plant operations such as shutdowns, fuel switches (preferably for all fuel types burned at the plant), variability in electricity generating loads, periods with high [oxidation reduction potential], etc.”<sup>124</sup> EPA recommended that a plant “identify the ‘worst case’ scenario and design a sufficient FGDW treatment system that can operate under

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<sup>121</sup> Index.10084.9-368.

<sup>122</sup> Index.12006.14–16.

<sup>123</sup> *Id.*

<sup>124</sup> *Id.* at 15–16.

the worst case conditions and achieve the effluent limits.”<sup>125</sup> Many of EPA’s recommendations would significantly increase the complexity and cost of FGDW treatment.

EPA’s own recommendations, and the reasoning underlying them, flatly contradict EPA’s assertion that variability among FGD wastestreams among plants, and over time at a given plant, has no effect on the achievability of the limits or the cost of technology. Indeed, pilot studies are necessary *because of the unpredictable variability of FGDW*.<sup>126</sup> EPA was acknowledging the uniqueness of each FGDW at each given plant. This acknowledgement demonstrates that the Rule could not have taken into account all of the site-specific technologies needed to achieve the final effluent limits for FGD wastewater, including technologies needed at subbituminous-burning plants as well as at bituminous-burning plants. And, without a full consideration of site-specific design factors, EPA could not have properly derived costs for FGD compliance at all facilities.<sup>127</sup>

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<sup>125</sup> Index.12006.16.

<sup>126</sup> GE, a vendor of biological treatment systems, acknowledges the “*extreme variability* in effluent quality [i.e., FGD wastewater influent to the treatment system] due to the variety of coal sources, limestone sources, and scrubber operation...” J. Sonstegard, et al., ABMet: Setting the Standard for Selenium Removal, Index.250.2 (emphasis added).

<sup>127</sup> The same is true for derivation of costs for indirect dischargers attempting to meet the FGD limits. Several small public power facilities face daunting costs to comply with the mandated mercury, arsenic, selenium, and nitrates limits.



In responses to comments on the Rule, EPA also retorted that commenters had not provided data to prove subbituminous- or lignite-burning plants would be unable to meet the effluent limitations.<sup>128</sup> This, of course, turned EPA's regulatory obligation on its head. Since no subbituminous- or lignite-burning plants had installed the biological treatment system that EPA claimed is BAT, it would have been difficult indeed to produce such data. But that is beside the point. The burden is not on industry to prove why it should *not* be regulated. The burden is on EPA to justify regulation. Here, by statute, EPA was obliged to establish that the BAT technology is technologically "available" for the whole industrial category, including bituminous-, subbituminous-, and lignite-burning plants.

EPA also contended there is no evidence of possible interferences with biological treatment stemming from FGDW derived from subbituminous coal.<sup>129</sup> But that is a theoretical judgment unsupported by any performance data. It asserted that a "well operated" PRB-burning plant should have no issues meeting the limits.<sup>130</sup> Again, that is all theory, unsupported by any credible analysis.

With as much as 25% of the coal fleet dependent upon subbituminous or lignite coals, EPA's speculation is no small matter. EPA's database does not

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<sup>128</sup> Index.10080.5-166, .10078.3-525.

<sup>129</sup> Index.10084.9-368.

<sup>130</sup> Index.10080.5-148. If, in the absence of data, it is sufficient merely to say that a "well operated" plant should be able to meet a limit, then EPA could justify any conceivable limit.

reflect the true variability of FGDW. Selecting model technologies and setting limits on an incomplete database is not consistent with the regulatory reform agenda. The large range of FGDW variability affects all plants no matter their coal type.

For these reasons, EPA should reconsider the FGDW limits in the Final Rule.

**E. New Data Are Likely to Demonstrate that Plants Burning Subbituminous and Bituminous Coal Cannot Comply With The Rule's Limits Through Use of EPA's Model Technology**

After EPA published the Final Rule, EPRI initiated a pilot study of the Rule's model biological treatment technology at Pleasant Prairie, a plant burning 100% subbituminous PRB coal. The results of that pilot study are yet to be released, but UWAG believes they will support what industry has reiterated: (1) treating FGDW from plants burning subbituminous coal will be substantially more difficult than treating FGDW from plants burning bituminous coal; and (2) the model biological treatment technology for FGDW treatment is not demonstrated for use with FGDW from subbituminous plants. EPRI is likely to publish the final report within the next few weeks.

Also, new data collected by AEP illustrates that variability in wastewater management can also impact performance at bituminous plants such that additional technologies beyond EPA's model technology will be needed to achieve the limits.

If these new data are indeed contrary to EPA's assumption that biological treatment systems will function equally as well no matter the type of coal being burned, then they will further demonstrate why EPA must reconsider the limits for FGD wastewater.

### **III. EPA Violated Principles of Data Quality and Transparency in Characterizing Bottom Ash Transport Water**

The Final Rule imposed a zero discharge requirement for BATW.<sup>131</sup> Every plant currently discharging any BATW (aside from oil-fired units and units less than 50 megawatts) must convert its systems to prevent any BATW discharge whatsoever.<sup>132</sup> This single requirement exacts a very heavy price. According to EPA, *103 plants must retrofit their BATW systems as a result of the Rule, at a total industry capital cost of over \$2.5 billion and annual operations and maintenance costs of \$133 million (2010\$).*<sup>133</sup> Based on anecdotal reports, UWAG is confident EPA's cost estimate is a gross underestimate. However, the public cannot evaluate

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<sup>131</sup> 40 C.F.R. § 423.13(k)(1)(i).

<sup>132</sup> The Rule provides two limited exemptions for discharges of BATW. First, plants can discharge "low volume, short duration" discharges from minor leaks or minor maintenance events. 40 C.F.R. § 423.11(p). Second, plants can discharge BATW if it is reused as makeup water in the FGD scrubber and thus subject to the FGD wastewater discharge limits. 40 C.F.R. § 423.13(k)(1)(i).

<sup>133</sup> TDD at Table 9-10, 9-45.

the estimate because EPA's estimates of plant-specific costs are not available for public review.<sup>134</sup>

EPA should have carefully selected the data used to justify this level of impact. But that was not the case. EPA's BATW data suffers from a plethora of data quality issues, all of which affect EPA's analyses. The following types of flaws infect the BATW data: (1) inconsistencies with EPA's own data acceptance criteria; (2) errors in units of measure; (3) use of unacceptable or obsolete analytical methods; and (4) application of overly conservative methodologies addressing non-detect analytical results. For example, EPA's analytical database uses the wrong units of measure for a mercury datapoint at the Kammer plant. The units should be nanograms per liter (parts per trillion) rather than micrograms per liter (parts per billion).<sup>135</sup> In addition, EPA used detection limits from older analytical methods to estimate pollutant concentrations even though the laboratory reported the pollutants were not detected in the samples. These unacceptable practices resulted in an overestimation of pollutant loadings for BATW. These sorts of errors justify reconsideration.

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<sup>134</sup> See EPA's Final ICPR. The portions of that document containing plant-specific costs (EPA-HQ-OW-2009-0819-6472.ATT1, ATT2) have been redacted from the record in their entirety.

<sup>135</sup> Analytical Database for the Steam Electric Rulemaking, EPA-HQ-OW-2009-0819-5640.

Additionally, EPA chose to include 27 samples of *40-year-old* data from *unidentified sources* as part of its BATW dataset. Because the sources of the data are neither identified nor described with relevant detail, the public cannot determine critical facts that go to the legitimacy of the data. For instance, EPA did not address whether the plants that supplied the data are still operating, whether the ash ponds sampled are still discharging, or whether the materials contained in the particular ash ponds are the same as when sampling occurred. It is impossible for the public to determine the ash pond management practices that would apply to the data or to determine whether, since the data were gathered, practices have changed. In short, there is no way for the public to determine whether the data are representative of *current* industry discharges. This lack of transparency is contrary to the goals of regulatory reform and the Office of Management and Budget's and EPA's own rules on the validity of data.<sup>136</sup>

The quality of the data was also dubious. EPA failed to provide any quality control/quality assurance information for the 27 samples. Moreover, EPA did not disclose either the laboratory methods used to analyze the samples or the actual laboratory reports to substantiate the data. Instead, the 40-year old values are

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<sup>136</sup> See Exec. Order 13777, 82 Fed. Reg. at 12,286 (Mar. 1, 2017) (requiring evaluation of rules relying in whole or part on “data, information, or methods that are not publicly available or that are insufficiently transparent to meet the standard for reproducibility”).

simply copied out of an outdated EPA report – *itself more than 30 years old* – with no proper supporting documentation.

Also, EPA used the poor quality BATW characterization data as a basis for several important purposes, including calculating a cost-effectiveness ratio. Since the underlying BATW characterization data was poor quality, the cost-effectiveness analysis is flawed. An agency has an obligation to base its analysis on acceptable data. In this case, EPA did not do so.

In the 21<sup>st</sup> century, data unsupported by routine quality control/quality assurance checks and proper documentation are not considered reliable data, and they should not be used to compel expenditures of \$2.5 billion or more.

Reconsideration of the BATW limits is appropriate.

The following sections explain how EPA selected BATW characterization data and why the data are critical to EPA's BATW decisions.

**A. EPA Failed to Gather Current BATW Data**

Despite site visits to 68 steam electric plants prior to the proposed ELG rule,<sup>137</sup> EPA collected only one sample of BATW.<sup>138</sup> EPA obtained this sample in 2007, almost 2 years before it decided to revise the steam electric ELGs. The lack of additional BATW samples during the course of the rulemaking was a curious

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<sup>137</sup> 78 Fed. Reg. at 34,444.

<sup>138</sup> EPA sampled BATW at the Homer City Power Plant in August 2007. Final Detailed Study at 2-10.

omission that did not go unnoticed. Industry urged EPA to gather more BATW samples, but EPA never did so.

**B. EPA Relied on Old Data from Unidentified Sources**

The 1973-1976 data EPA used as part of its BATW dataset derive from 27 samples collected at three unidentified Tennessee Valley Authority plants. EPA first presented these data (“old TDD data”) in 1980 as part of the proposed Development Document for the steam electric point source category.<sup>139</sup> EPA then incorporated them into Appendix A of the final 1982 Development Document.<sup>140</sup> In a memorandum describing its 2015 review of data for ash transport water, EPA noted that the 1982 Appendix A plants are “unidentified.”<sup>141</sup> Incredibly, EPA decided to use the data even though it did not match the data with an individual plant or discharge point, and even though it has other sources of data, such as *current* data supplied by industry.<sup>142</sup>

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<sup>139</sup> EPA, *Development Document for Effluent Limitations Guidelines and Standards for the Steam Electric Point Source Category* (Sept. 1980), EPA-HQ-OW-2009-0819-5450-Att21 at 514-27, 552-56.

<sup>140</sup> EPA, *Development Document for Final Effluent Limitations Guidelines, New Source Performance Standards, and Pretreatment Standards for the Steam Electric Point Source Category* (Nov. 1982), EPA-HQ-OW-2009-0819-2186, Appendix A at 571-84, 609-13.

<sup>141</sup> ERG, *Ash Transport Water Analytical Data Review Methodology Memorandum* (Sept. 30, 2015), EPA-HQ-OW-2009-0819-6349 at 15.

<sup>142</sup> This use of data from unidentified plants is distinct from EPA’s general practice of “anonymizing” data used in ELG rulemakings to protect CBI. When EPA uses codes instead of plant names and other identifying information to protect CBI, it nonetheless has identified for itself the plants supplying the data, and therefore the Agency has the means to satisfy itself that the data are representative. In this case, EPA admits that the plants are “unidentified.”

In addition to the old TDD data, EPA's BATW analytical database uses more current industry-generated data and EPA's single 2007 sample. However, the old TDD data is a significant and influential component of the database, comprising approximately 28% of all the parameter data points used by EPA to characterize BATW for the Rule.<sup>143</sup>

**C. Use of Data from Unidentified Sources Prevents Proper Data Evaluation**

Without being able to tie the old TDD data to specific plants, one cannot properly evaluate whether the data are representative because key plant characteristics are unknown. EPA itself acknowledged several operating procedures that can affect BATW characteristics, including:

- adding chemicals to ash ponds to control pH;
- injecting carbon dioxide into the pond to reduce alkalinity;
- adding polymers to the pond to enhance settling; and
- adding acidic wastestreams to the pond, which can increase the metals concentration in the effluent.<sup>144</sup>

Without knowing the plants' identities, it is impossible to tell whether the plants used any of these methods during the sampling period or whether the plants now employ these methods.

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<sup>143</sup> EPA used a total of 2,252 data points to characterize BATW loadings. Of that amount, it derived 632 data points from the old TDD data. EPA, Analytical Database for Steam Electric Rulemaking, EPA-HQ-OW-2009-0819-5640.

<sup>144</sup> Final Detailed Study at 5-13, 5-15.



In sum, there is no way for EPA or the public to know if the data are representative of current industry discharges. EPA admitted that “[t]he processes employed and pollutants discharged by the industry look very different today than they did in 1982.”<sup>145</sup> We agree. The processes employed to manage ash ponds – and the ash ponds themselves – have changed since the 1970s, when the old TDD data were collected. The Rule must be reconsidered to use more recent, reliable data in setting BATW limits.

**D. The Old TDD Data Are Not Representative Because New Regulations Took Effect in 1974 and 1982**

Changing regulations dramatically changed how the industry handled BATW over the years. Old data are therefore not representative of current BATW. The old TDD data, as already noted, were collected and analyzed in 1973-1976. The first steam electric ELGs became effective on November 7, 1974.<sup>146</sup> That rule stayed in effect until EPA revised the steam electric ELGs in 1982.<sup>147</sup>

Since 16 out of the 27 “old TDD data” samples were collected prior to November 7, 1974,<sup>148</sup> those samples do not reflect either the 1974 ELG rule or the 1982 revisions. Under the 1974 rule, existing facilities had to recycle BATW 12.5

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<sup>145</sup> 80 Fed. Reg. at 67,840.

<sup>146</sup> 39 Fed. Reg. 36,186, 36,198 (Oct. 8, 1974).

<sup>147</sup> 47 Fed. Reg. 52,290 (Nov. 19, 1982).

<sup>148</sup> EPA lists the dates of the samples on Tables A-2, A-4, and A-13 of Appendix A of the 1982 Development Document, pp. A-5–A8, A-12–A-14, A-43.

times before discharging and were subject to numeric total suspended solids (TSS) and oil and grease limits.<sup>149</sup> New sources faced stricter requirements; they had to recycle BATW 20 times before discharging.<sup>150</sup> The 1974 regulation also set a pH range for all discharges of 6.0-9.0.<sup>151</sup> Because the pH of a pond can affect metal concentrations in the discharge, requiring ash ponds to operate within a pH range likely changed the discharges from the ponds. For these reasons, the 16 samples pre-dating the 1974 rule cannot be representative of current BATW discharges because they do not reflect current discharge limits.

The remaining 11 “old TDD data” samples pre-date the 1982 revisions. In that revision, EPA deleted the existing and new facility requirements to recycle BATW. That change alone is very significant and would have affected how ponds operate. Therefore, whether the old TDD data (both the 16 samples pre-dating the 1974 rule and the 11 samples pre-dating the 1982 revisions) are representative of current industry discharges is unknown.

**E. The BATW Characterization Data Were Integral to EPA’s Rulemaking Processes**

Despite its many flaws, EPA used the BATW analytical data for several critical rulemaking functions. First, it used the sample analytical data to define

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<sup>149</sup> 40 C.F.R. § 423.13(d) (1975).

<sup>150</sup> 40 C.F.R. § 423.15(d) (1975).

<sup>151</sup> 40 C.F.R. § 423.12(b)(1) (1975).

“pollutants of concern” or POCs. For BATW, EPA defined POCs as “those pollutants that are confirmed to be present at sufficient frequency in untreated wastewater samples of that wastestream.”<sup>152</sup> EPA identified 37 BATW POCs.<sup>153</sup>

Second, using the defined POCs for the particular wastestream,<sup>154</sup> EPA calculated plant-specific loadings for baseline discharges and then totaled them to estimate current industry-wide pollutant loadings for the wastestream.<sup>155</sup> After calculating the baseline discharge, EPA estimated the amount of pollutants removed by the chosen technology option.<sup>156</sup>

Once EPA calculated pollutant pounds removed, it also calculated “toxic weighted pounds equivalent” or TWPEs. As EPA explained:

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<sup>152</sup> 80 Fed. Reg. at 87,647.

<sup>153</sup> TDD, Table 6-16 at 6-25 to 6-26. EPA established several protocols for accepting data used to define POCs. For example, (1) samples must be representative of full-scale plant operations; (2) for BATW, the sample must comprise at least 75% by volume BATW; and (3) source water sample data that are paired with wastewater sample data must be taken within a day of the wastewater sample collection date. TDD at 6-17 to 6-18. But Petitioners cannot substantiate whether EPA followed its own protocols as to BATW POC data because documents detailing EPA’s POC evaluation are redacted in their entirety from the record available for public review. See *Memorandum-Bottom Ash and Fly Ash Transport Water Pollutants of Concern (POC) Analysis Methodology* (EPA-HQ-OW-2009-0819-6049); *Analysis-Source Water Ash Treatment Analysis Final* (EPA-HQ-OW-2009-0819-6048); and *Analysis-Pollutants of Concern Ash Treatment Analysis Final* (EPA-HQ-OW-2009-0819-6050).

<sup>154</sup> “The industry-level baseline loadings presented in Table 10-14 include only those pollutants identified as POCs....” TDD at 10-34.

<sup>155</sup> EPA lowered the numbers of plants with bottom ash ponds from 115 to 84 to account for the effect of the Clean Power Plan. Cf. TDD Table 10-14 to Table 10-15 at 10-34–10-36. Again, Petitioners cannot substantiate either number because EPA’s underlying analysis is not part of the record available for public review. And, of course, any change in the CPP Rule will affect the number of plants likely to be affected by the ELG Rule.

<sup>156</sup> TDD, Tables 10-16 and 10-17 at 10-37.

EPA uses toxic weighting factors (TWFs) to account for differences in toxicity across pollutants.... EPA calculated a toxic-weighted pound-equivalent (TWPE) value for each pollutant discharged to compare mass loadings of different pollutants based on their toxicity. To perform this comparison, EPA multiplied the mass loadings of pollutant in pounds/year by the pollutant-specific TWF to derive a “toxic-equivalent” loading (lb equivalent/yr), or TWPE.<sup>157</sup>

Using pounds of pollutant removed and/or TWPE calculations, EPA completed several essential elements of its rulemaking analysis:

1. It compared the pollutant removal efficacy of the technology options for BATW.
2. It used the baseline loading and estimated pollutant removals as a major input to the Environmental Assessment, a 513-page document prepared “to evaluate the environmental impact of pollutant loadings released under current (*i.e.*, baseline) discharge practices and assess the potential environmental improvement from pollutant loading removals under the final rule.”<sup>158</sup>
3. It calculated the cost-effectiveness of the Rule as the cost per pound of TWPEs removed, for comparison to the cost-effectiveness of other effluent guidelines rulemakings.
4. It compared the total estimated costs of the Rule to the total estimated benefits (*i.e.*, benefits based on EPA’s estimate of the pounds of pollutants removed from receiving waterbodies).<sup>159</sup>

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<sup>157</sup> TDD at 10-3.

<sup>158</sup> EPA, *Environmental Assessment for the Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category*, EPA-821-R-15-006 (Sept. 2015), EPA-HQ-OW-2009-0819-6427 at 1-1.

<sup>159</sup> See EPA, *Benefit and Cost Analysis for the Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category*, EPA-821-R-15-005 (Sept. 2015), EPA-HQ-OW-2009-0819-5856.

Despite their serious flaws, the BATW characterization data, therefore, were critical building blocks for much of the Agency's rulemaking processes.

**F. EPA's Cost-effectiveness Analysis for BATW is Flawed**

EPA's cost-effectiveness analyses illustrate the importance of selecting the right BATW characterization data. The flawed dataset that EPA used for BATW characterization affected EPA's cost-effectiveness analysis by increasing the amount of pollutant loadings attributable to BATW. While EPA was quick to note that a cost-effectiveness analysis is "not required by the CWA, and not a determining factor for establishing BAT,"<sup>160</sup> this analysis allowed EPA to compare the effectiveness of candidate technologies while factoring in the costs of those technologies. Using this metric also allowed EPA to compare the cost-effectiveness of a portion of the Rule (or the entire Rule) to recently promulgated BAT limitations for other industries, which range from less than \$1 per TWPE to \$404 per TWPE.<sup>161</sup>

In the proposed ELG Rule, EPA estimated that a zero discharge approach to BATW would cost \$107 per TWPE.<sup>162</sup> At the proposed rule stage, UWAG

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<sup>160</sup> 80 Fed. Reg. at 67,881.

<sup>161</sup> *Id.*

<sup>162</sup> EPA, *Technical Development Document for the Proposed Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category*, EPA-821-R-13-002 (April 2013), EPA-HQ-OW-2009-0819-2257 at 8-34; see also 78 Fed. Reg. at 34,474 col. 1.

challenged EPA's BATW cost-effectiveness analysis on several grounds, including the use of old or otherwise invalid data.<sup>163</sup> When UWAG calculated its own cost-effectiveness ratio for BATW, using better quality characterization data and more realistic capital costs, it ranged from \$1,635 to \$16,492 per TWPE.<sup>164</sup> Therefore, UWAG's estimate for the ELG Rule was *4 to 41 times greater than \$404 per TWPE*, the highest historical BAT cost-effectiveness ratio that EPA had ever used.

In the Final Rule, EPA adjusted the characterization data it used for BATW to eliminate some of the data that UWAG pointed to as old and invalid. But it substituted in other old 1970s-1980s data from unidentified plants, as well as newer data that in some cases were misinterpreted. Based on the new dataset, EPA calculated a new cost-effectiveness ratio for BATW of \$314-457 per TWPE, or about 3 to 4 times its original estimate.<sup>165</sup> Nonetheless, EPA found that the cost-effectiveness of the total final rule was in the range of \$136-149 per TWPE.<sup>166</sup>

Even after EPA's adjustments for the final rule, the BATW characterization dataset is of unacceptable quality, for the many reasons previously noted, which resulted in a significant overestimation of pollutant loadings attributed to BATW. Having undertaken to consider cost-effectiveness – and having used it as a primary

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<sup>163</sup> UWAG Sept. 2013 Comments at 79.

<sup>164</sup> *Id.*

<sup>165</sup> 80 Fed. Reg. at 67,882.

<sup>166</sup> *Id.*

tool across multiple effluent guidelines rules – EPA had an obligation to use acceptable data in its analysis. It failed to do so.

Whether or not the CWA requires EPA to perform a cost-effectiveness analysis of BAT determinations, it is good administrative practice to do so. Since EPA’s cost-effectiveness analysis depends on the quality of the underlying pollutant loading data and those data are derived from BATW characterization data, if the characterization data are flawed, then the whole cost effectiveness analysis is flawed and should be reconsidered.

The lack of transparency is reason alone to reevaluate an EPA decision that the Agency admits will cost *at least \$2.5 billion*. When coupled with the serious concerns about the representativeness and accuracy of the data, it is clear that reconsideration is appropriate and that an administrative stay during reconsideration is likewise appropriate.

#### **IV. New Data Also Demonstrate that the Rule’s IGCC Limits are Technologically Infeasible**

Sufficiency of data is another core requirement for sound regulation.<sup>167</sup> For IGCC plants, EPA badly missed the mark. The IGCC limits in the Rule were based on an insufficient and unrepresentative dataset. Newly available data prove

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<sup>167</sup> “Each agency shall base its decisions on the best reasonably obtainable scientific, technical, economic, and other information concerning the need for, and consequences of, the intended regulation.” Executive Order 12866, *Regulatory Planning and Review* (Sept. 30, 1993), 58 Fed. Reg. 51,735, 51,736 (Oct. 4, 1993).

that industry’s concerns about the limits were justified. The new data show that the limits for IGCC wastewater cannot reliably be met. Indeed, a brand new, state-of-the-art IGCC facility cannot meet the limits, *even though it employs what EPA deemed to be “model” technology*.

The record is clear that EPA relied on incomplete and inappropriate data in setting the IGCC limits. The new facility – Duke Energy Indiana’s Edwardsport<sup>168</sup> – uses a two-stage gasification wastewater treatment system. Two-stage treatment produces far less wastewater, but that residual wastewater (known as “crystallizer effluent”) has higher pollutant concentrations than does the wastewater from one-stage treatment (known as “vapor compression effluent”). Duke commenced construction of Edwardsport in 2008, and commercial operations began in June 2013, the same month in which EPA published the proposed ELG Rule.

To develop the gasification wastewater limits, EPA gathered gasification wastewater characterization data from two other IGCC facilities that had been in operation for many years: Wabash River (which used one-stage treatment and which has since closed) and Polk (which uses two-stage treatment). Despite

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<sup>168</sup> Edwardsport qualifies under the Rule as an “existing facility,” not a “new” facility, because it commenced construction long before the ELG Rule was proposed, much less finalized.



having limited data from only two facilities,<sup>169</sup> EPA discarded Polk's crystallizer effluent data because the Agency believed Polk's crystallizer was malfunctioning at the time of sampling.<sup>170</sup> With that decision, EPA rejected its only crystallizer effluent data (*i.e.*, data most likely to be similar to the crystallizer effluent that the state-of-the-art Edwardsport plant would generate). Notwithstanding the data shortcomings, EPA did not seek to obtain replacement data from Polk. Despite comments from industry expressing concern about the lack of sufficient IGCC-specific data in the record<sup>171</sup> and the numerous technical differences between the limited number of IGCC facilities in operation,<sup>172</sup> EPA used only vapor compression effluent data from Polk (representing one-stage treatment) to set the final limits for arsenic and mercury.<sup>173</sup>

Data from Edwardsport demonstrate that a state-of-the-art plant with two-stage treatment cannot meet the limits. EPA set gasification wastewater limits for arsenic, mercury, selenium, and TDS. The summary table below compares

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<sup>169</sup> The dataset collected by EPA included only four daily effluent samples from each facility. In Polk's case, there were four daily samples of effluent from the intermediate vapor compression step and four samples of final effluent from the crystallizer.

<sup>170</sup> Index.2920.13-20; Index.12840.13-26-13-27.

<sup>171</sup> Index.8684.78-81 (Duke Energy) (discussing inadequacies of data set for setting reliably achievable gasification wastewater limits), Index 9778.289-91 (UWAG) (discussing inadequacies of gasification wastewater data set).

<sup>172</sup> Index.8684.77-78; Index.9778.287-89.

<sup>173</sup> The effluent data from Wabash River were also used by EPA in setting ELG limits for selenium and TDS. However, it is the ELG limit for mercury that poses Edwardsport's greatest compliance challenge.

Edwardsport arsenic, mercury, and TDS data from May 2013- October 2015 to the ELG limits.<sup>174</sup>

Parameter	Edwardsport Daily Maximum	ELG Daily Maximum	Edwardsport 30-day Average	ELG 30-day Average
Arsenic, total ug/L)	15	4	--	--
Mercury, total (ng/L)	12.8	1.8	9.1 <sup>a</sup>	1.3
Total dissolved solids (TDS) (mg/L)	222	38	67.2 <sup>b</sup>	22

a=September 2015 average (highest 30-day average)

b=October 2015 average (highest 30-day average)

Since 2015, Edwardsport gasification wastewater effluent continues to exceed the arsenic, mercury, and TDS limits. According to its renewed wastewater discharge permit, the new ELG limits will be applicable to Edwardsport in April 2021.

Because the existing \$120 million gasification wastewater treatment system cannot consistently meet the limits, Edwardsport was forced to file a request for a fundamentally different factor variance<sup>175</sup> and is awaiting a response from EPA Region V. Variances from ELG limits are very rarely granted – none thus far have been granted under the Rule. If Edwardsport is denied a variance, its options will

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<sup>174</sup> The Edwardsport data are based on 27 samples, as documented in Appendix 1 to Duke Energy Indiana, LLC's Application for a Fundamentally Different Factor Variance, Edwardsport IGCC Station, NPDES Permit IN0002780, submitted to EPA Region V and Indiana Dept. of Environmental Management (April 27, 2016) ("Duke FDFV Application"), attached as Exhibit 3 to this Petition.

<sup>175</sup> Duke FDFV Application.

be to (1) identify, design, and install one-of-a-kind wastewater treatment technologies in the hope of achieving consistent compliance; or (2) stop operating. By statute, BAT must be based on “available” technologies. Companies should not be forced *after* an ELG is issued to explore new and untested technologies in the hope of meeting the limits.

This is how a rule based on woefully insufficient data penalizes industry and imposes excessive costs on society. Duke – despite its substantial efforts to design, construct, and operate a costly state-of-the-art IGCC facility – has been forced into an uncertain position as a result of the Rule’s unreasonable and unsubstantiated limits. Well-developed rules are supported by appropriate data and do not cause lingering uncertainties; they allow businesses to make efficient, cost-effective decisions. The limits for IGCC facilities are an example of the worst type of regulatory outcome: requirements that (1) are technologically infeasible and (2) increase costs and exacerbate business stagnation due to uncertainty.

**V. Cumulatively, the ELG Rule and Other Rules Are Having Devastating Economic Impacts**

It is undeniable that the convergence of the ELG Rule and other rules affecting coal-fired power plants is causing adverse economic impacts. The other rules include the CCR rule, the CPP rule, and the CWIS rule. First, the cumulative compliance costs are massive. As a result, the rules will cause and contribute to

plant closures and job losses. Second, the lack of coordination among the rules (and in particular the compliance deadlines they set) magnifies business uncertainty and expense. Third, the CPP and the CCR rule have seen their status change since promulgation of the ELG Rule. Both are in litigation and subject to further changes, thus exacerbating uncertainty about the costs and plant closures attributable specifically to the ELG Rule and whether and how the rules can be harmonized.

The cumulative impact of all these rules makes the ELG Rule a prime candidate for reconsideration to promote regulatory reform policies.

**A. For Coal-Fired Units, the Cumulative Compliance Costs and Job Losses From EPA Rules Are Staggering**

EPA's own estimates<sup>176</sup> of the costs of the ELG, CCR, CPP, and CWIS rules demonstrate the adverse economics the coal-fired fleet is facing. EPA claims the *annualized* total social costs of the ELG and CWIS rules will be \$471.2-479.5 million (2013\$) and \$274.9 million (2011\$), respectively.<sup>177</sup> The Agency estimates the total *annualized* incremental costs of the CCR rule will be \$509-735 million (2013\$) (over 100 years).<sup>178</sup> The CPP alone is projected to cost billions per year. EPA predicts annual illustrative compliance costs of \$1.4-2.5 billion (2020),

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<sup>176</sup> Again, industry does not accept EPA's estimates. In fact, industry believes EPA grossly underestimated the costs of many of these rules.

<sup>177</sup> 80 Fed. Reg. at 67,865 (ELG Rule); 79 Fed. Reg. at 48,415 (CWIS Rule).

<sup>178</sup> 80 Fed. Reg. at 21,309.

\$1.0-3.0 billion (2025), and \$5.1-8.4 billion (2050) (all in 2011\$).<sup>179</sup>

Cumulatively, these rules are projected annually to cost the coal-fired industry (and their customers) billions of dollars for many years.

While the CPP and the CCR rules are being substantially changed, UWAG members are incurring the heavy costs of complying or planning to comply with the ELG rule. Dynegy Inc. recently estimated its costs of compliance to total approximately \$308 million, with \$41 million to be spent in less than one year and \$178 million to be spent within 3 years.<sup>180</sup> Dynegy's costs are not unique. NRG, another UWAG member, anticipates that its total ELG costs will be approximately \$200 million.<sup>181</sup> AEP has included in its total projected environmental investments for 2018 through 2025 ELG Rule compliance costs ranging from \$400-\$550 million through 2023.<sup>182</sup>

Smaller, local utilities are likewise experiencing high compliance costs relative to their lower numbers of ratepayers. For instance, City Utilities of Springfield, Missouri is a community-owned utility. It is a component of the City of Springfield and is overseen by a board of local citizens. It operates electric

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<sup>179</sup> 80 Fed. Reg. at 64,680-81.

<sup>180</sup> Dynegy Inc., Form 10-K, filed with the U.S. Securities and Exchange Commission for the fiscal year ended December 31, 2016 (Feb. 27, 2017) at 18.

<sup>181</sup> NRG, Form 10-K, filed with the U.S. Securities and Exchange Commission for the fiscal year ended December 31, 2016 (Feb. 28, 2017) at 32.

<sup>182</sup> AEP, Inc. Form 10K, filed with the U.S. Securities and Exchange Commission for the fiscal year ended December 31, 2016 (Feb. 28, 2017) at 14.

generating capacity of 1,120 MW, providing electricity to approximately 112,000 customers over a 320-square mile area. To comply with the ELG Rule, City Utilities has already spent \$4 million in capital costs and will need to spend an additional \$3 million in capital costs if the “zero discharge” BATW requirement stands, exclusive of additional annual operating costs. This is in addition to the significant costs to comply with the CCR Rule at an estimated total cost of \$14 million.

Since the ELG Rule phases in compliance from November 1, 2018, through December 31, 2023,<sup>183</sup> prompt reconsideration of the Rule offers a potential of relief from some of these costs.<sup>184</sup>

Unit and facility closures based on the cumulative impact of these rules are inevitable. In 2015, when EPA promulgated another rule affecting coal-fired power plants (the Mercury and Air Toxics Standards rule), utilities were forced to retire almost 14 gigawatts of coal-fired generation.<sup>185</sup> That represented more than

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<sup>183</sup> 80 Fed. Reg. at 67,854.

<sup>184</sup> Some public power utilities are experiencing especially acute impacts from the Rule’s deadlines because they are indirect dischargers. Instead of phased-in compliance deadlines, they face a fixed deadline of November 1, 2018, as indirect dischargers subject to Pretreatment Standards for New Sources (“PSNS”) and Pretreatment Standards for Existing Sources (“PSES”). Thus, those dischargers are making significant capital investment decisions without knowing the ultimate fate of the CPP or CCR rules (or, indeed, the ELG Rule itself if this petition is granted). Reconsideration, coupled with a suspension of the deadline, is imperative for them.

<sup>185</sup> U.S. Energy Information Admin., *Coal made up more than 80% of retired electricity generating capacity in 2015*, (available at [www.eia.gov/todayinenergy/detail.php?id=25272](http://www.eia.gov/todayinenergy/detail.php?id=25272)).

80% of all 2015 retirements.<sup>186</sup> Similar impacts from the current batch of rules are likely. EPA itself estimated that, due to the CPP rule alone, 47 plants and another 19 units that otherwise would be subject to the ELG Rule would close or be repowered.<sup>187</sup>

Job losses are a natural consequence of unit and facility closures. Even for those power plants repowered with natural gas, there will be job losses, because a coal-fired unit employs more personnel than a comparably sized natural-gas fired unit.<sup>188</sup> For the CPP alone, the Energy Information Administration (EIA) estimated severe job losses. By 2030, EIA forecasts that, if the CPP is implemented, there would be about *376,000 fewer non-farm jobs than if there were no CPP*.<sup>189</sup> The U.S. Chamber of Commerce, among many others, asked the Supreme Court to stay the CPP because of economic concerns, including localized issues in rural or economically distressed areas of the country. Its stay application included many declarations from potentially affected communities. For example, a

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<sup>186</sup> *Id.*

<sup>187</sup> TDD, Table 4-18 at 4-45.

<sup>188</sup> Buchsbaum, L., *Supporting Coal Power Plant Workers Through Plant Closures*, Power Magazine, June 1, 2016 (available at [www.powermag.com/supporting-coal-power-plant-workers-plant-closures](http://www.powermag.com/supporting-coal-power-plant-workers-plant-closures)) (quoting AEP spokesperson that a “good-size” natural gas plant requires about 25 workers, as compared to 100-200 for a “good-size” coal-fired plant) (last visited March 18, 2017).

<sup>189</sup> Institute for 21<sup>st</sup> Century Energy, U.S. Chamber of Commerce, *EPA Clean Power Plan: EIA’s Forecast Shows Benefits Fall Well Short of Costs ... Again* (June 2016) at 10, citing EIA, Annual Energy Outlook 2016.

school superintendent from Oliver County, North Dakota, described the likely impact to his District upon closure of one of two units at a nearby coal-fired station and the resulting 40% reduction in employment at a local coal mine. About 25% of the student population of the District are students whose families are dependent on the energy sector for their jobs, and the loss of those students would devastate the District:

[T]he closure of the Coal Creek and Minnkota units and reduced production at the Falkirk Mine would result in significant financial harm to the District. One of the most important sources of income for the District is local property taxes. As families move away in response to the closures and reduced production at the mine, the size of the tax base will shrink, thus cutting funding for the District. Our local taxable evaluation will decrease with flooding of houses on the market and the lack of prospective home buyers .... This loss of funding would force the District to lay off staff, cut vital programs, or both.<sup>190</sup>

The business manager for a local chapter of the International Brotherhood of Boilermakers also submitted a declaration in support of the U.S. Chamber of Commerce's application for stay. He predicted that one station's closure would cost the local's members over \$8,000,000 in wages and benefits in 2016 and the

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<sup>190</sup> Declaration of Curtis Pierce, District Superintendent, Center-Stanton Public School District, Exhibit 7-H to U.S. Chamber of Commerce's Application for Immediate Stay of Final Agency Action Pending Appellate Review, para. 10 at 4, *West Virginia v. EPA*, No. 15-A-787 (Sup. Ct. Jan. 27, 2016).



closure of one of two units at another facility would mean the loss of \$13-14,000,000 in wages and benefits.<sup>191</sup>

The ELG Rule's costs contribute to the threat of job losses, particularly when it is added on top of the impacts of other rules. The right course, therefore, is to reconsider the ELG Rule and its impacts on the economy as a whole and on local communities.

**B. Lack of Coordination Among the Rules Causes Economic Inefficiencies and Uncertainties**

EPA purported to analyze the impact of the final CCR rule and the proposed CPP rule on the ELG Rule. EPA agreed that the CPP was a major new rule affecting the same plants targeted by the ELG Rule; that is why EPA conducted its analysis. But it did not release its CPP analysis for public comment, and thus the industry had no way of evaluating it during the ELG rulemaking.

Had EPA's analysis of the CPP been released for comment, the industry would have demonstrated to EPA that the Final Rule's deadlines should be synchronized with the CPP's, to avoid unnecessary waste of resources and compliance costs. As issued, the Rule specifies that the new limits become

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<sup>191</sup> Declaration of Luke Voigt, Business Manager, International Brotherhood of Boilermakers Local 647, Exhibit 7-C to U.S. Chamber of Commerce's Application for Immediate Stay of Final Agency Action Pending Appellate Review, paras. 8 and 10 at 4, 5, *West Virginia v. EPA*, No. 15-A-787 (Sup. Ct. Jan. 27, 2016).

applicable “as soon as possible.”<sup>192</sup> Although permitting authorities have discretion to consider the CPP in deciding what constitutes “as soon as possible” for a given facility,<sup>193</sup> industry is experiencing wide variations in applicability dates. In any event, the ELG Rule requires application of the new limits “no later than” December 31, 2023. Consequently, the Rule’s deadlines are inconsistent with the CPP’s requirements to achieve greenhouse gas performance rates between 2022 and 2030.<sup>194</sup>

Competing deadlines will necessarily have an impact on EPA’s analysis of the respective costs of the rules. More importantly, competing deadlines increase uncertainty for the industry members attempting to comply. And these uncertainties and complications increase costs, as industry struggles to harmonize its decisions on all of the pending rules at once.

A similar lack of harmony exists between the CCR rule and the ELG Rule. As a part of the CCR rule litigation,<sup>195</sup> EPA sought and was granted voluntary remand of portions of the rule.<sup>196</sup> Two of the remanded provisions have significant

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<sup>192</sup> See, e.g., 80 Fed. Reg. at 67,894-95 (to be codified at 40 C.F.R. § 423.13(g)(1)(i)) (requiring compliance with the new FGD wastewater limits “as soon as possible beginning November 1, 2018, but no later than December 31, 2023”).

<sup>193</sup> See *id.* at 67,894 (to be codified at 40 C.F.R. § 423.11(t)(2)(ii)).

<sup>194</sup> 80 Fed. Reg. at 64,664.

<sup>195</sup> *Utility Solid Waste Activities Group (“USWAG”) v. EPA*, No. 15-1219 (D.C. Cir. filed July 15, 2015).

<sup>196</sup> Order, *USWAG v. EPA* (June 14, 2016), ECF No. 1619358.

consequences for discharges from ponds governed by the ELG Rule. Under those provisions (40 C.F.R. § 257.103(a) and 40 C.F.R. § 257.103(b)), a facility required to cease sending CCRs to a pond has to begin closing the pond within 30 days after ceasing its use for CCR waste.<sup>197</sup> But many industry ponds are used for both CCR and non-CCR wastewater. Therefore, EPA remanded these provisions so that it could consider whether to extend the CCR rule's alternative closure provisions to ponds that cease receiving CCR wastes but continue receiving non-CCR wastewater.<sup>198</sup>

EPA's decision on this point is critical to management of many existing ponds. If those ponds need to cease receiving both CCR and non-CCR wastewaters, many industry facilities will have to develop whole new wastewater management systems, and in many cases that involves rethinking the entire water balance and wastewater characteristics for each wastestream. If a pond may have to cease receiving non-CCR wastewater as a result of the CCR rule, then it makes no sense to retrofit treatment systems for purposes of the ELG Rule without considering that impact. It is inefficient in the extreme to undertake enormous system retrofits for purposes of the ELG Rule, and then have to rethink those retrofits – at considerable expense and system down-time – when EPA acts on the

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<sup>197</sup> See 40 C.F.R. § 257.102(e).

<sup>198</sup> Respondent EPA's Unopposed Motion For Voluntary Remand of Specific Regulatory Provisions, Section II.E at 8-9, *USWAG v. EPA* (Apr. 18, 2016), ECF No. 1609250.

remanded CCR provisions. Through reconsideration of the ELG Rule and an administrative stay, these inefficiencies caused by the mandates of multiple rules can be addressed.

**C. The Changed Status of the CPP and the CCR Rule Warrants Reconsideration of EPA's Cost Analysis**

Even if EPA's analyses of the CPP and CCR impacts on the ELG Rule were accurate when the ELG Rule was finalized (and they were not), they cannot be accurate now. For the ELG Rule, EPA developed two separate economic analyses: one including the CCR rule, and one including both the CCR rule and the CPP. Given recent developments, analyzing the ELG Rule's impacts to industry and society through the lens of the CPP and CCR rules as finalized is inappropriate.

In February 2016, the Supreme Court stayed the CPP rule pending the outcome of judicial challenges.<sup>199</sup> Moreover, the President appears poised to issue an executive order requiring EPA to reconsider and potentially repeal the CPP.<sup>200</sup> These new circumstances provide strong reason to reconsider EPA's cost analysis for the ELG Rule. That analysis assumed unit closures or retrofits to gas caused by the CPP according to the CPP's original schedule. But, because of the stay, CPP

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<sup>199</sup> Order, *Chamber of Commerce v. EPA*, No. 15-A-787 (Sup. Ct. Feb. 9, 2016).

<sup>200</sup> *The Clean Power Plan is gone – and there's no 'replace'*, E&E News (Mar. 9, 2017), available at <http://www.eenews.net/stories/1060051196> (last visited March 9, 2017).

implementation – if it occurs at all – could be years behind schedule. As a result, the true cost implications of the ELG Rule are not reflected in any EPA analysis.

As already described, the CCR rule also is being challenged in court,<sup>201</sup> and EPA has been granted a voluntary remand of portions of the rule. The remaining litigation issues could be decided by the court, possibly by the end of this year. Additionally, Congress recently enacted legislation that affected a major change in the CCR rule implementation.<sup>202</sup> The legislation allows states to assume responsibility for overseeing CCR rule implementation within their jurisdictions. Thus, substantial changes also may occur with the CCR rule.

Given the extreme uncertainties that were not present when EPA analyzed the cost impacts of these rules on the ELG Rule, it is incumbent upon EPA to reconsider the true costs of the ELG Rule and provide its analysis to the public for proper review and comment.

**REQUEST FOR IMMEDIATE AGENCY ACTION TO SUSPEND OR  
DELAY COMPLIANCE DEADLINES**

UWAG hereby requests an administrative stay pursuant to 5 U.S.C. § 705. When judicial review is pending and when “justice so requires,” this section

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<sup>201</sup> *USWAG v. EPA*.

<sup>202</sup> Water Infrastructure Improvements for the Nation Act, Pub. L. 114-322, Sec. 2301 (amending § 4005 of the Solid Waste Disposal Act (42 U.S.C. § 6945) to allow state programs for control of coal combustion residuals).

confers discretion upon an agency to “postpone the effective date of action taken by it.” *Id.* For all the reasons above, justice dictates a stay here.

In addition, EPA should take all other administrative actions that may be necessary to assure the immediate suspension or delay of the Rule’s fast-approaching compliance deadlines while EPA works to reconsider and revise, as appropriate, the substantive requirements of the current Rule pursuant to notice and comment rulemaking.<sup>203</sup> Notably, there are many options available for EPA to suspend or extend the compliance deadlines in order to preserve the status quo and avoid irreparable harm pending the completion of the reconsideration proceeding.<sup>204</sup>

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<sup>203</sup> Suspending the deadlines for indirect dischargers, among others, is particularly critical because they face a hard deadline of November 1, 2018, to meet the PSES/PSNS standards for several wastestreams. Accordingly, those dischargers are in the process now of making costly decisions that may be greatly affected by reconsideration.

<sup>204</sup> These options for EPA action include the following: (1) fast-tracked issuance of a new rule that rescinds or extends the compliance deadlines through an expedited notice and comment rulemaking, *see, e.g.*, National Emissions Standards for Hazardous Air Pollutants for Stationary Combustion Turbines; Final Rule; Stay, 69 Fed. Reg. 51,184 (Aug. 18, 2004) (pausing effective dates of a rule on the basis that the agency was in the process of amending the underlying rule); (2) prompt issuance of an interim final rule without notice and comment under the “good cause” exemption set forth in the APA at 5 U.S.C. § 553(b)(3)(B), *see* Oil Pollution Prevention and Response; Non-Transportation-Related Onshore and Offshore Facilities; Interim Final Rule, 68 Fed. Reg. 1348 (Jan. 9, 2003) (postponing requirements that had gone into effect in August 2002 without notice and comment under the good cause exemption on the basis of impending deadlines that would no longer be appropriate once EPA finished revising the underlying rule); and (3) the prompt issuance of informal EPA guidance confirming that permitting authorities have broad discretion to set compliance deadlines under the Rule spanning the *entire* compliance window based on the four factors enumerated in 40 C.F.R. § 423.11(t) and are not obligated to impose a compliance deadline based on the initial deadline of November 1, 2018, due, in part, to EPA’s decision to reconsider the substantive requirements of the Rule.

## **CONCLUSION**

For all the foregoing reasons, EPA should grant this Petition, stay the Final ELG Rule and/or take other action to suspend the Rule's existing compliance deadlines, and promptly undertake to initiate a new rulemaking.

Dated: March 24, 2017

**UTILITY WATER ACT GROUP**

By \_\_\_\_\_  
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## **EXHIBITS**

- Exhibit 1     H.M. Johnson, III, Hunton & Williams. Letter to M. McDermott, U.S. Dept. of Justice - Request for Disclosure of Information Withheld As Confidential Business Information From the Public Record for the Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category Final Rule (Feb. 17, 2016)
- Exhibit 2     M. McDermott, U.S. Dept. of Justice. Letter to H.J. Johnson, III, Hunton & Williams – Response to Request for Disclosure of Information Withheld As Confidential Business Information From the Public Record for the Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category Final Rule (Mar. 17, 2016)
- Exhibit 3     Appendix 1 to Duke Energy Indiana, LLC's Application for a Fundamentally Different Factor Variance, Edwardsport IGCC Station, NPDES Permit IN0002780, submitted to EPA Region V and Indiana Dept. of Environmental Management (April 27, 2016)





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February 17, 2016

**Via E-Mail and U.S. Mail**

Martin F. McDermott, Esq.  
United States Department of Justice  
601 D Street, NW  
Suite 8104  
P.O. Box 23986  
Washington, DC 20026-3986

**Re: Request for Disclosure of Information Withheld As Confidential Business  
Information From the Public Record for the Effluent Limitations Guidelines and  
Standards for the Steam Electric Power Generating Point Source Category Final  
Rule**

Dear Martin:

As you know, I represent the Utility Water Act Group, Southwestern Electric Power Company, and Union Electric Company (d/b/a Ameren Missouri) (collectively, "Industry Petitioners") in challenges to EPA's promulgation of the Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category Final Rule (the "ELG Rule" or "Rule") under the Clean Water Act ("CWA"). This letter requests the disclosure of EPA's methodologies and analyses supporting the ELG Rule that have been improperly withheld as confidential business information ("CBI"). In addition, our review reveals that EPA has "over-redacted" many documents, with the result being that important non-CBI information has been improperly withheld from the public record. We request such non-CBI information as well. Attachment A is a preliminary list of documents in the public record that withhold information to which Industry Petitioners are entitled and that have been identified so far in our review of the record. As discussed in detail below, EPA is required to disclose all this information.

Judicial review of agency decisions under the Administrative Procedure Act ("APA") is based upon the "whole record," which includes all the material "considered" by the agency

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decisionmaker. *Citizens to Preserve Overton Park, Inc. v. Volpe*, 401 U.S. 402, 419 (1971). Since publishing the final ELG Rule in the *Federal Register* on November 3, 2015, EPA has publicly released many of the documents it considered when promulgating the Rule. However, EPA determined that many critical documents and other information it considered are CBI. As a result, EPA has withheld these materials from inclusion in the public record for the ELG Rule, impeding Industry Petitioners' right to challenge to the Rule and thereby frustrating judicial review of the same.

I recognize that CBI is ordinarily protected from disclosure under applicable law. For instance, the Freedom of Information Act ("FOIA") exempts CBI from mandatory disclosure. See 5 U.S.C. § 552(b)(4). But, on the other hand, the CWA authorizes the disclosure of CBI "when relevant in any proceeding under" the CWA. 33 U.S.C. § 1318(b). EPA's FOIA regulations go on to provide that a "proceeding," in the context of the CWA, includes "any rulemaking...conducted by EPA," such as the promulgation of the ELG Rule. 40 C.F.R. § 2.302(a)(4); see *id.* at § 2.302(g) (prescribing procedures for release of "relevant" CBI).

In any event, Industry Petitioners do not specifically seek the disclosure of CBI provided to EPA by the public in the course of the ELG rulemaking. Instead, Industry Petitioners request only the disclosure of the methodologies and analyses EPA relied upon in promulgating the Final Rule (as well as non-CBI information that has been withheld). In past rulemakings, EPA has recognized its obligation to present its methodologies and analyses in the public record, even when it used CBI to develop or apply them. It has done so by employing techniques to ensure that the bases for its decisions were fully explained without the need to disclose the CBI itself. EPA has not employed those techniques here. Not only has the CBI been withheld, but the methodologies and analyses themselves have been withheld.

EPA has a strong interest in making these methodologies and analyses public, because it must rely on and justify the ELG Rule in the courts based on the public record standing alone. Courts have shown a particular reluctance to permit EPA to withhold crucial information from a public rulemaking record on the basis that it is CBI. When EPA makes such claims, it must still provide adequate explanation in the public record to support the rulemaking through the use of non-CBI data, methodologies, and analyses that satisfy the standard upon review. See *Nat'l Wildlife Fed'n v. EPA*, 286 F.3d 554, 565 (D.C. Cir. 2002). To satisfy this requirement, it is appropriate for EPA to compile the CBI in the rulemaking record into a composite, non-CBI format that is made part of the public record and discussed by the agency "at some length." *Natural Resources Defense Council v. Thomas*, 805 F.2d 410, 418 n. 13 (D.C. Cir. 1986). At bottom, the public record must be sufficient for petitioners "to mount a challenge

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to EPA's rulemaking," Order, *Nat'l Wildlife Fed'n*, Feb. 2, 2000, Attach. B, and "to provide the reviewing court with a way to know the agency's methodology." *Nat'l Wildlife Fed'n*, 286 F.3d at 564 (internal quotation and citation omitted).

The public record here falls far short of the requirements under the APA, CWA, EPA regulations, and case law. EPA has designated data and analyses that are crucial to understanding the ELG Rule, and EPA's methodology in promulgating it, as CBI, and failed to provide sufficient non-CBI data and analyses to support the Rule.

For example, in one document, EPA designated entire sections of a report as CBI. In its Incremental Costs and Pollutant Removals for the Final Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category, Sep. 2015, EPA-HQ-OW-2009-0819-6472, EPA withheld whole sections of the report on General Methodology, Terminology, and Common Cost Elements, FGD Wastewater Cost Methodology, Fly Ash Transport Water Cost Methodology, and Bottom Ash Transport Water Cost Methodology. Based on the document's table of contents, the omitted sections comprise over 260 pages, covering such basic information as descriptions of the technologies analyzed and such critical information as cost methodologies. Consequently, the cost methodologies are a complete mystery. It is unclear why the *entirety* of these sections would be classified as CBI or not made available in a manner to avoid disclosing CBI.

In another example, in its Technical Development Document for the Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category, EPA references a memorandum produced by the Eastern Research Group, entitled "Bottom Ash and Fly Ash Transport Water Pollutants of Concern (POC) Analysis Methodology," to explain its review of "bottom ash transport water and fly ash transport water using the general data quality review criteria described in this section, *as well as more specific criteria listed in the memorandum.*" EPA-HQ-OW-2009-0819-6432, at 6-23 (emphasis added). Nevertheless, EPA has withheld the *entire* memorandum from the public record as CBI, *see* EPA-HQ-OW-2009-0819-6049, making it impossible for the public to know what criteria EPA employed to identify POCs for bottom ash and fly ash transport water.

The record is replete with other examples and the Industry Petitioners continue their review of the record to identify examples in addition to these and those listed in Attachment A. In each case, EPA has violated the law by failing to release the basic and fundamental methodologies and analyses that support the ELG Rule. With the public record as it currently stands, it is a complete mystery to the public and reviewing courts how EPA reached its conclusions on

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critical issues. EPA should have employed techniques to protect the CBI while simultaneously making available to the public the methodologies and analyses on which EPA made its decisions. Instead, it decided to improperly withhold critical methodologies and analyses in their entirety, presumably because they contain or discuss some amount of CBI. And even where EPA did manage to release redacted versions of documents, such as discussed above regarding the Incremental Costs and Pollutant Removals for the Final Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category, it still failed to produce non-CBI versions of the redacted methodologies and analyses to support the ELG Rule without revealing CBI.

The FGD wastewater limits are an example of EPA's failure to disclose its methodologies. We have been unable to locate any document explaining how EPA calculated those limits. Whether or not its non-disclosure is the result of over-designating CBI, this methodology is fundamental to the ELG rule. Industry Petitioners request its disclosure as part of the record.

As explained above, all of the methodologies and analyses sought by the Industry Petitioners should be in the public record whether in redacted form or in a form that otherwise protects the CBI. I respectfully ask EPA to compile the methodologies and analyses it considered in the ELG rulemaking and present them in a manner that allows the public and reviewing courts to review EPA's compliance with the CWA, APA, and other applicable law, without improperly disclosing CBI. In addition, EPA should withhold from the public record only actual CBI, not non-CBI data and information. We ask that EPA review its redactions and remove those redactions that improperly conceal non-CBI information.

I would further suggest that the parties agree to continue to hold the case in abeyance until the public record is complete.


This request applies to EPA's methodologies and analyses in the final ELG Rule, as well as any data that are necessary to explain those methodologies and analyses. The Industry Petitioners do not waive their rights to challenge whether various data or documents meet the requirements of CBI, or to expand the list of documents sought as reflected in Attachment A.

HUNTON &  
WILLIAMS

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February 17, 2016  
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I would greatly appreciate a response by February 29, 2016, so that the Industry Petitioners can decide how to proceed. In the meanwhile, please do not hesitate to contact me if you wish to discuss. Best regards.

Sincerely,

A handwritten signature in black ink, appearing to read "Hate", enclosed within a circular scribble.

Harry M. Johnson, III

Enclosure

Attachment A

Document Title	Docket Number	Docket Abstract
Incremental Costs and Pollutant Removals for the Final Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category Chapter 5 – General Methodology, Terminology, and Common Cost Elements DCN SE05831	EPA-HQ-OW-2009-0819-6023 <sup>1</sup>	CBI Final Draft of the Steam Electric Incremental Costs and Pollutant Loadings report. This version of the report contains confidential business information.
Incremental Costs and Pollutant Removals for the Final Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category Chapter 6 –FGD Wastewater Cost Methodology DCN SE05831	EPA-HQ-OW-2009-0819-6023	CBI Final Draft of the Steam Electric Incremental Costs and Pollutant Loadings report. This version of the report contains confidential business information.
Incremental Costs and Pollutant Removals for the Final Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category Chapter 7 – Fly Ash Transport Water Cost Methodology DCN SE05831	EPA-HQ-OW-2009-0819-6023	CBI Final Draft of the Steam Electric Incremental Costs and Pollutant Loadings report. This version of the report contains confidential business information.
Incremental Costs and Pollutant Removals for the Final Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category Chapter 8 – Bottom Ash Transport Water Cost Methodology DCN SE05831	EPA-HQ-OW-2009-0819-6023	CBI Final Draft of the Steam Electric Incremental Costs and Pollutant Loadings report. This version of the report contains confidential business information.
Incremental Costs and Pollutant Removals: Attachment A-CBI Appendix A to the Costs and Loads Report – DCN SE05831A1	EPA-HQ-OW-2009-0819-6023-Att 1	CBI Appendix A to the Costs and Loads Report includes plant-level estimated compliance costs and pollutant removals that incorporate the CCR rule and the CPP rule.

<sup>1</sup> To the extent that any of the redacted content of the “sanitized” version of this document and its attachments (EPA-HQ-OW-2009-0819-6472 and attachments) differs from the content of the CBI version and its attachments (EPA-HQ-OW-2009-0819-6023 and attachments), we also request release of the redacted content of the sanitized version and its attachments.

Document Title	Docket Number	Docket Abstract
Incremental Costs and Pollutant Removals: Attachment B-CBI Appendix B to the Costs and Loads Report – DCN SE05831A2	EPA-HQ-OW-2009-0819-6023-Att 2	CBI_Appendix B to the Costs and Loads Report includes plant-level estimated compliance costs and pollutant loadings reflecting only ELGs costs and loads and costs and loads with the CCR rule incorporated.
CBI GE ABMet Pilot Study Report – DCN SE06361	EPA-HQ-OW-2009-0819-6456	CBI Report from GE Water describing results of a pilot study conducted using its ABMet biological treatment system. This document contains CBI and is not available online or from the USEPA Docket Center. Please contact the Document Control Officer listed in the Federal Register.
CBI Notes from Call with GE Water on April 14, 2014 – DCN SE05692	EPA-HQ-OW-2009-0819-5735	CBI_Call with GE discussing ORP treatment at a coal-fired power plant. This document contains CBI and is not available online or from the EPA Docket Center. Please contact the Document Control Officer listed in the Federal Register.
CBI Memorandum to the Steam Electric Rulemaking Record: Water Quality Module: Plant and Receiving Water Characteristics – DCN SE04513	EPA-HQ-OW-2009-0819-6450	CBI Memorandum documenting the identification of immediate receiving waters for the steam electric power plants in the Final EA Report and incorporation of water body characteristics for use in EA analyses, including the national-scale immediate receiving. This document contains CBI and is not available online or from the USEPA Docket Center. Please contact the Document Control Officer listed in the Federal Register.
CBI Email from Bill Bonkowki; RE: Clarification on Updated ABMet Costs from June 2014 – DCN SE04234	EPA-HQ-OW-2009-0819-5718	This document contains CBI and is not available online or from the EPA Docket Center. Please contact the Document Control Officer listed in the Federal Register. CBI Documentation of follow up questions provided to GE regarding some outstanding questions based on their updated costing data for the ABMet system. GE provided updated costs for the ABMet system via email in June 2014 (SE04230). EPA and ERG responded

Document Title	Docket Number	Docket Abstract
CBI GE ABMet Backwash Information – DCN SE00751	EPA-HQ-OW-2009-0819-5691	This document contains CBI and is not available online or from the EPA Docket Center. Please contact the Document Control Officer listed in the Federal Register.
CBI Supplemental Costs and Loadings Attachment 1 – DCN SE05839A1	EPA-HQ-OW-2009-0819-5681-Att 1	CBI Development of methodology to estimate missing FGD wastewater flow rates for plants currently operating wet FGD scrubbers. This document contains CBI and is not available online or from the USEPA Docket Center. Please contact the Document Control Officer listed in the Federal Register.
CBI Supplemental Costs and Loadings Attachment 2 – DCN SE05839A2	EPA-HQ-OW-2009-0819-5681-Att 2	CBI Documentation of process used to identify those plants discharging FGD wastewater and determination of FGD wastewater flow rate. This document contains CBI and is not available online or from the USEPA Docket Center. Please contact the Document Control Officer listed in the Federal Register.
CBI Supplemental Costs and Loadings Attachment 6 – DCN SE05839A6	EPA-HQ-OW-2009-0819-5681-Att 6	CBI Identification of plants that incur back-up silo and pugmill or redundancy compliance costs associated with fly ash handling. Also includes a comparison of O&M costs associated with dry fly ash handling and traditional wet sluicing systems. This document contains CBI and is not available online or from the USEPA Docket Center. Please contact the Document Control Officer listed in the Federal Register.
CBI Supplemental Costs and Loadings Attachment 11 – DCN SE05839A11	EPA-HQ-OW-2009-0819-5681-Att 11	CBI Development of methodology to estimate dollar per ton costs to transport and dispose of treatment solids to an off-site landfill. This document contains CBI and is not available online or from the USEPA Docket Center. Please contact the Document Control Officer listed in the Federal Register.



Document Title	Docket Number	Docket Abstract
CBI Supplemental Costs and Loadings Attachment 13 – DCN SE05839A13	EPA-HQ-OW-2009-0819-5681-Att 13	CBI Plant-specific assessments and determinations of FGD wastewater treatment in place. This document contains CBI and is not available online or from the USEPA Docket Center. Please contact the Document Control Officer listed in the Federal Register.
CBI Supplemental Costs and Loadings Attachment 15 – DCN SE05839A15	EPA-HQ-OW-2009-0819-5681-Att 15	CBI Development of annual FGD wastewater treatment flows for plant operating chemical precipitation; development of capacity factor used to size FGD wastewater treatment systems This document contains CBI and is not available online or from the USEPA Docket Center. Please contact the Document Control Officer listed in the Federal Register.
CBI Supplemental Costs and Loadings Attachment 16 – DCN SE05839A16	EPA-HQ-OW-2009-0819-5681-Att 16	CBI Development of factor used to determine the flow rate of sludge generated by chemical precipitation as a function of FGD wastewater flow This document contains CBI and is not available online or from the USEPA Docket Center. Please contact the Document Control Officer listed in the Federal Register.
CBI Supplemental Costs and Loadings Attachment 37 – DCN SE05839A37	EPA-HQ-OW-2009-0819-5681-Att 37	CBI Assessment of materials of construction for wastewater treatment tanks This document contains CBI and is not available online or from the USEPA Docket Center. Please contact the Document Control Officer listed in the Federal Register.
CBI Supplemental Costs and Loadings Attachment 39 – DCN SE05839A39	EPA-HQ-OW-2009-0819-5681-Att 39	CBI Development of an algorithm to determine whether chemical storage tanks are required (as opposed to onsite storage in chemical totes), and if so, the tank size requirements This document contains CBI and is not available online or from the USEPA Docket Center. Please contact the Document Control Officer listed in the Federal Register.

Document Title	Docket Number	Docket Abstract
CBI Supplemental Costs and Loadings Attachment 44 – DCN SE05839A44	EPA-HQ-OW-2009-0819-5681-Att 44	CBI Development of an algorithm to estimate lime storage requirements and lime storage silo size. Development of a cost equation for lime feed system purchase costs This document contains CBI and is not available online or from the USEPA Docket Center. Please contact the Document Control Officer listed in the Federal Register.
CBI Supplemental Costs and Loadings Attachment 45 – DCN SE05839A45	EPA-HQ-OW-2009-0819-5681-Att 45	CBI Chemical feed system specifications provided by a vendor This document contains CBI and is not available online or from the USEPA Docket Center. Please contact the Document Control Officer listed in the Federal Register.
CBI Supplemental Costs and Loadings Attachment 54 – DCN SE05839A54	EPA-HQ-OW-2009-0819-5681-Att 54	CBI Development of the design basis and treatment in place methodology for clarifiers This document contains CBI and is not available online or from the USEPA Docket Center. Please contact the Document Control Officer listed in the Federal Register.
CBI Supplemental Costs and Loadings Attachment 56 – DCN SE05839A56	EPA-HQ-OW-2009-0819-5681-Att 56	CBI Filter press information and purchase costs provided by a vendor This document contains CBI and is not available online or from the USEPA Docket Center. Please contact the Document Control Officer listed in the Federal Register.
CBI Supplemental Costs and Loadings Attachment 58 – DCN SE05839A58	EPA-HQ-OW-2009-0819-5681-Att 58	CBI Filter press specifications provided by a vendor This document contains CBI and is not available online or from the USEPA Docket Center. Please contact the Document Control Officer listed in the Federal Register.
CBI Supplemental Costs and Loadings Attachment 63 – DCN SE05839A63	EPA-HQ-OW-2009-0819-5681-Att 63	CBI Development of cost factors used to estimate total direct capital costs (i.e., installation, site prep, buildings, land, and instrumentation and controls) as a function of purchased equipment. This document contains CBI and is not available online or from the USEPA Docket Center. Please contact the Document Control Officer listed in the Federal Register.

Document Title	Docket Number	Docket Abstract
CBI Supplemental Costs and Loadings Attachment 65 – DCN SE05839A65	EPA-HQ-OW-2009-0819-5681-Att 65	CBI Development of a cost equation for operating labor costs This document contains CBI and is not available online or from the USEPA Docket Center. Please contact the Document Control Officer listed in the Federal Register.
CBI Supplemental Costs and Loadings Attachment 66 – DCN SE05839A66	EPA-HQ-OW-2009-0819-5681-Att 66	CBI Development of cost factors used to estimate labor and maintenance materials costs as a function of annual FGD wastewater flow This document contains CBI and is not available online or from the USEPA Docket Center. Please contact the Document Control Officer listed in the Federal Register.
CBI Supplemental Costs and Loadings Attachment 67 – DCN SE05839A67	EPA-HQ-OW-2009-0819-5681-Att 67	CBI Development of chemical dosage rates This document contains CBI and is not available online or from the USEPA Docket Center. Please contact the Document Control Officer listed in the Federal Register.
CBI Supplemental Costs and Loadings Attachment 68 – DCN SE05839A68	EPA-HQ-OW-2009-0819-5681-Att 68	CBI Chemical purchase costs provided by vendors This document contains CBI and is not available online or from the USEPA Docket Center. Please contact the Document Control Officer listed in the Federal Register.
CBI Supplemental Costs and Loadings Attachment 72 – DCN SE05839A72	EPA-HQ-OW-2009-0819-5681-Att 72	CBI Development of an equation to estimate chemical precipitation dewatered sludge generation as a function of FGD wastewater flow. Estimation of density of dewatered chemical precipitation dewatered sludge This document contains CBI and is not available online or from the USEPA Docket Center. Please contact the Document Control Officer listed in the Federal Register.
CBI Supplemental Costs and Loadings Attachment 73 – DCN SE05839A73	EPA-HQ-OW-2009-0819-5681-Att 73	CBI Development of equation to estimate ABMet backwash flow rate and backwash solids generation. This document contains CBI and is not available online or from the USEPA Docket Center. Please contact the Document Control Officer listed in the Federal Register.

Document Title	Docket Number	Docket Abstract
CBI Supplemental Costs and Loadings Attachment 75 – DCN SE05839A75	EPA-HQ-OW-2009-0819-5681-Att 75	CBI Correspondence with General Electric (GE) regarding costing information for their ABMet biological treatment system. This document contains CBI and is not available online or from the USEPA Docket Center. Please contact the Document Control Officer listed in the Federal Register.
CBI Supplemental Costs and Loadings Attachment 76 – DCN SE05839A76	EPA-HQ-OW-2009-0819-5681-Att 76	CBI Summary of correspondence with General Electric (GE) regarding updated costing information for their ABMet biological system as of 2014. This document contains CBI and is not available online or from the USEPA Docket Center. Please contact the Document Control Officer listed in the Federal Register.
CBI Supplemental Costs and Loadings Attachment 78 – DCN SE05839A78	EPA-HQ-OW-2009-0819-5681-Att 78	CBI Derivation of ORP Monitor costing methodology. This document contains CBI and is not available online or from the USEPA Docket Center. Please contact the Document Control Officer listed in the Federal Register.
CBI Supplemental Costs and Loadings Attachment 79 – DCN SE05839A79	EPA-HQ-OW-2009-0819-5681-Att 79	CBI Summary of correspondence with ABB regarding capital costs and O&M requirements associated with an ORP Monitor. This document contains CBI and is not available online or from the USEPA Docket Center. Please contact the Document Control Officer listed in the Federal Register
CBI Supplemental Costs and Loadings Attachment 83 – DCN SE05839A83	EPA-HQ-OW-2009-0819-5681-Att 83	CBI Development of factor used to calculate costs associated with purchasing materials used for maintaining the biological treatment system.
CBI Supplemental Costs and Loadings Attachment 84 – DCN SE05839A84	EPA-HQ-OW-2009-0819-5681-Att 84	CBI Compilation of data from GE and HPD regarding costing information for the vapor compression evaporation system. Cost curves and equations developed from vendor data were used to estimate system level costs for installing and operating a vapor compres

Document Title	Docket Number	Docket Abstract
CBI Supplemental Costs and Loadings Attachment 85 – DCN SE05839A85	EPA-HQ-OW-2009-0819-5681-Att 85	CBI Methodology used to estimate O&M costs associated with sodium bisulfite addition. This document contains CBI and is not available online or from the USEPA Docket Center. Please contact the Document Control Officer listed in the Federal Register.
CBI supplemental Costs and Loadings Attachment 87 – DCN SE05839A87	EPA-HQ-OW-2009-0819-5681-Att 87	CBI Development of factors and equations for the fly ash handling conveyance capital and O&M costs. These equations and factors include the conveyance equipment capital cost equation, redundant equipment capital cost equations, direct capital cost factor, This document contains CBI and is not available online or from the USEPA Docket Center. Please contact the Document Control Officer listed in the Federal Register.
CBI Supplemental Costs and Loadings Attachment 88 – DCN SE05839A88	EPA-HQ-OW-2009-0819-5681-Att 88	CBI Development of factors and equations for the fly ash handling intermediate capital and O&M costs. These equations and factors include the intermediate storage equipment capital cost equation (for concrete and steel silos), direct capital cost factor, This document contains CBI and is not available online or from the USEPA Docket Center. Please contact the Document Control Officer listed in the Federal Register.
CBI Supplemental Costs and Loadings Attachment 89 – DCN SE05839A89	EPA-HQ-OW-2009-0819-5681-Att 89	CBI Development of the typical moisture content used to calculate the amount of moisture conditioned fly ash to be transported to a landfill. This document contains CBI and is not available online or from the USEPA Docket Center. Please contact the Document Control Officer listed in the Federal Register.

Document Title	Docket Number	Docket Abstract
CBI Supplemental Costs and Loadings Attachment 92 – DCN SE05839A92	EPA-HQ-OW-2009-0819-5681-Att 92	CBI Development of factors for the bottom ash MDS conveyance O&M costs. These factors include the conveyance operating and maintenance labor rates, operating and maintenance labor hours, maintenance materials cost factor. This document contains CBI and is not available online or from the USEPA Docket Center. Please contact the Document Control Officer listed in the Federal Register.
CBI Supplemental Costs and Loadings Attachment 93 – DCN SE05839A93	EPA-HQ-OW-2009-0819-5681-Att 93	CBI Development of factors for the bottom ash intermediate storage O&M costs. These factors include the intermediate storage operating and maintenance labor rates, operating and maintenance labor hours, maintenance materials cost factor, and pugmill energ This document contains CBI and is not available online or from the USEPA Docket Center. Please contact the Document Control Officer listed in the Federal Register.
CBI Supplemental Costs and Loadings Attachment 96 – DCN SE05839A96	EPA-HQ-OW-2009-0819-5681-Att 96	CBI Development of the typical moisture content used to calculate the amount of moisture conditioned bottom ash to be transported to a landfill. This document contains CBI and is not available online or from the USEPA Docket Center. Please contact the Document Control Officer listed in the Federal Register.
CBI Supplemental Costs and Loadings Attachment 97 – DCN SE05839A97	EPA-HQ-OW-2009-0819-5681-Att 97	CBI Telecon and email correspondence with bottom ash handling vendor containing information on bottom ash handling conversions and specific costs for bottom ash conversions, drag chain replacement costs, and drag chain replacement frequency. This document contains CBI and is not available online or from the USEPA Docket Center. Please contact the Document Control Officer listed in the Federal Register.

Document Title	Docket Number	Docket Abstract
CBI Supplemental Costs and Loadings Attachment 98 – DCN SE05839A98	EPA-HQ-OW-2009-0819-5681-Att 98	CBI Development of the equation to estimate the volume of the remote MDS conveyor to estimate the volume of surge capacity required for maintenance. This document contains CBI and is not available online or from the USEPA Docket Center. Please contact the Document Control Officer listed in the Federal Register.
CBI Supplemental Costs and Loadings Attachment 100 – DCN SE05839A100	EPA-HQ-OW-2009-0819-5681-Att 100	CBI Methodology used to estimate compliance costs for plants discharging IGCC wastewater. This document contains CBI and is not available online or from the USEPA Docket Center. Please contact the Document Control Officer listed in the Federal Register.
CBI Updated ABMet Cost Curve – DCN SE04230	EPA-HQ-OW-2009-0819-5658	CBI_ New cost curve from GE to reflect updated costs for the ABMet system. This new costing data includes updated installed costs based on flow rate as of July 2014. This document contains CBI and is not available online or from the EPA Docket Center. Please contact the Document Control Officer listed in the Federal Register.
Memorandum-Bottom Ash and Fly Ash Transport Water Pollutants of Concern (POC) Analysis Methodology – DCN SE04745	EPA-HQ-OW-2009-0819-6049	CBI. This memorandum provides details on EPA analysis of ash transport water data to determine pollutants of concern associated with this wastestream.
Analysis – CBI Pollutants of Concern Ash Treatment Analysis – DCN SE04746	EPA-HQ-OW-2009-0819-6050	CBI. This spreadsheet was developed as part 2 of EPA's analysis to identify pollutants of concern in ash transport water. This spreadsheet contains all non-paired ash transport water data accepted by EPA and the results of part 2 of the POC analysis.

Document Title	Docket Number	Docket Abstract
Data – CBI Final Ash Transport Water Analytical Data Review Matrix – DCN SE05575	EPA-HQ-OW-2009-0819-6381	CBI_This MS Excel workbook supporting the review of all data sources identified with ash transport water data. Information about the data source identification, plant identification, wastestream identification, and sample identification were compiled in this matrix to evaluate data usability, representativeness, and characterization. All data sources in the matrix were evaluated with EPA's ash data acceptance criteria.
Data – CBI FGD & Ash Cost Model with and without CCR – DCN SE05841	EPA-HQ-OW-2009-0819-6028	CBI_Database used to calculate compliance costs for FGD, fly ash and bottom ash for populations of plants including and not including CCR.
CBI FGD & Ash Cost Model Database Dictionary – DCN SE05841.A1	EPA-HQ-OW-2009-0819-6028-Att 1	CBI_Data element dictionary for the FGD and Ash Steam Electric Cost Model. This excel file contains descriptions of the tables, field names, and code modules contained within the FGD and Ash Steam Electric Cost Model.
Analysis-CBI Source Water Ash Treatment Analysis Final – DCN SE04744	EPA-HQ-OW-2009-0819-6048	CBI. This spreadsheet was developed as part 1 of EPA's analysis to identify pollutants of concern in ash transport water. This spreadsheet contains all paired source water and ash transport water data accepted by EPA and the results of part 1 of the POC analysis.
CBI Memorandum to the Steam Electric Rulemaking Record: Steam Electric Effluent Guidelines Evaluation of Potential Subcategorization Approaches – DCN SE05813	EPA-HQ-OW-2009-0819-6206	CBI Memorandum describing the evaluation of potential subcategorization and threshold approaches.
Data – CBI Bottom Ash Complete Recycle Estimated Cost for Plants with Remote MDS systems to implement Complete Recycle of Bottom Ash Transport Water Calculation File – DCN SE05960	EPA-HQ-OW-2009-0819-6213	CBI_Calc file used to estimate costs associated with implementing complete recycle of bottom ash transport water at plants with remote MDS installations.



Document Title	Docket Number	Docket Abstract
Data – CBI Draft UCC Ash Handling Documentation Attachments 1 through 8 for UCC Review – DCN SE05922	EPA-HQ-OW-2009-0819-6151	CBI Attachments 1 through 8 to the UCC ash handling documentation. These attachments include fly ash and bottom ash handling conversion data delivered to UCC on September 9, 2015 for review. This document contains CBI and is not available online or from the USEPA Docket Center. Please contact the Document Control Officer listed in the Federal Register.
Data – CBI Intake Analysis Database for CCR Population – DCN SE05696	EPA-HQ-OW-2009-0819-6003	CBI_ This database calculates the percent water reduction for plants using raw water for their FGD, bottom ash, and fly ash systems. Also contains estimates for if plants recycle ash transport water.
Data – CBI Intake Analysis Database for CPP Population – DCN SE05697	EPA-HQ-OW-2009-0819-6005	CBI_ This database calculates the percent water reduction for plants using raw water for their FGD, bottom ash, and fly ash systems. Also contains estimates for if plants recycle ash transport water.
CBI Additional GE Response to Post Proposal Questions – DCN SE04208	EPA-HQ-OW-2009-0819-5650	CBI_ Answers provided by GE in response to EPA questions regarding issues raised during the comment period. These responses are in addition to the initial responses provided in DCN SE04202.
CBI Supporting Charts for GE's Response to Post Proposal Questions – DCN SE04208A1	EPA-HQ-OW-2009-0819-5650-Att 1	CBI Additional charts provided along with response to questions. This document contains CBI and is not available online or from the EPA Docket Center. Please contact the Document Control Officer listed in the Federal Register.
CBI GE Written Response to Additional Follow Up Questions – DCN SE04222	EPA-HQ-OW-2009-0819-5655	CBI_ GE provided written response to the follow up questions that were provided to them in writing (SE04209) and discussed in a meeting with EPA and ERG on April 14, 2014.

Document Title	Docket Number	Docket Abstract
CBI Attachment to GE Written Responses – DCN SE04222A1	EPA-HQ-OW-2009-0819-5655-Att 1	CBI_An updated graph provided as an attachment to the written responses provided by GE. This document contains CBI and is not available online or from the EPA Docket Center. Please contact the Document Control Officer listed in the Federal Register.
Data – CBI Leachate Cost Model – DCN SE05842	EPA-HQ-OW-2009-0819-6029	This document contains CBI and is not available online or from the USEPA Docket Center. Please contact the Document Control Officer listed in the Federal Register. CBI_Database used to calculate compliance costs for leachate.
CBI – Leachate Cost Model Database Dictionary – DCN SE05842A1	EPA-HQ-OW-2009-0819-6029-Att 1	CBI_Data element dictionary for the Leachate Steam Electric Cost Model. This excel file contains descriptions of the tables, field names, and code modules contained within the Leachate Steam Electric Cost Model. This document contains CBI and is not available online or from the USEPA Docket Center. Please contact the Document Control Officer listed in the Federal Register.
Data – CBI Leachate Loadings Database with CPP – DCN SE05860	EPA-HQ-OW-2009-0819-6039	CBI_Database used to calculate leachate pollutant loadings and removals for the proposed CPP population. This document contains CBI and is not available online or from the USEPA Docket Center. Please contact the Document Control Officer listed in the Federal Register.
Data – CBI FGD & Ash Cost Model with Proposed CPP – DCN SE05862	EPA-HQ-OW-2009-0819-6042	CBI_Database used to calculate compliance costs for FGD, fly ash and bottom ash for populations of plants reflecting the proposed CPP. This document contains CBI and is not available online or from the USEPA Docket Center. Please contact the Document Control Officer listed in the Federal Register.

Document Title	Docket Number	Docket Abstract
CBI – FGD & Ash Cost Model with CPP Database Dictionary – DCN SE05862A1	EPA-HQ-OW-2009-0819-6042-Att 1	CBI_Data element dictionary for the FGD and Ash Steam Electric Cost Model with CPP. This excel file contains descriptions of the tables, field names, and code modules contained within the FGD and Ash Steam Electric Cost Model with CPP. This document contains CBI and is not available online or from the USEPA Docket Center. Please contact the Document Control Officer listed in the Federal Register.
CBI Memorandum to the Steam Electric Rulemaking Record: Steam Electric Effluent Guidelines – Evaluation of Potential Subcategorization Approaches – DCN SE05813	EPA-HQ-OW-2009-0819-6206	CBI Memorandum describing the evaluation of potential subcategorization and threshold approaches. This document contains CBI and is not available online or from the EPA Docket Center. Please contact the Document Control Officer listed in the Federal Register.
Data – CBI Subcategorization Threshold Calculation Database – DCN SE05960	EPA-HQ-OW-2009-0819-6220	This document contains CBI and is not available online or from the USEPA Docket Center. Please contact the Document Control Officer listed in the Federal Register CBI_Database that documents EPA's evaluation of potential subcategorization associated with generating unit size capacity (in MW).
CBI Data Dictionary for the Subcategorization Threshold Calculation Database – DCN SE05960.A1	EPA-HQ-OW-2009-0819-6220-Att 1	This document contains CBI and is not available online or from the USEPA Docket Center. Please contact the Document Control Officer listed in the Federal Register CBI_Database dictionary describing the tables, fields, and queries used in the subcategorization threshold analyses (DCN SE05960).

**United States Court of Appeals**  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

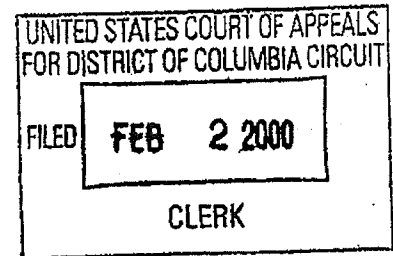
**No. 99-1452**

**September Term, 1999**

National Wildlife Federation, et al.,  
Petitioners

v.

Environmental Protection Agency and Carol M.  
Browner, Administrator, Environmental Protection  
Agency,  
Respondents



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American Forest and Paper Association Inc.,  
Intervenor for Respondent

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Consolidated with 99-1454, 99-1455, 99-1456

**BEFORE:** Ginsburg and Sentelle, Circuit Judges

**ORDER**

Upon consideration of the motion to dismiss, the responses thereto, and the replies; the motion filed by National Wildlife Foundation, et al. (collectively, NWF), to compel disclosure of information in the administrative record and to stay the briefing schedule until EPA discloses the information, the responses thereto, and the replies; the motions to strike, and the responses thereto; the motion of the Chemical Manufacturers Association and the Coalition for Effective Environmental Information to intervene or to file an amicus brief in opposition to NWF's motion to compel, and the responses thereto, it is

**ORDERED** that the motion to dismiss be referred to the merits panel to which these consolidated petitions for review are assigned. The parties are directed to include in their briefs the arguments raised in the motion to dismiss rather than incorporate those arguments by reference. It is

**FURTHER ORDERED** that the motions to strike be dismissed as moot. It is

**United States Court of Appeals**  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

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**No. 99-1452**

**September Term, 1999**

**FURTHER ORDERED** that the motion to intervene or to file an amicus brief be denied. It is

**FURTHER ORDERED** that the motion to compel and to stay the briefing schedule be denied. The confidential business information NWF seeks is the type of sensitive information and confidential or trade secret information that EPA can properly withhold from public view. See Natural Resources Defense Council v. Thomas, 805 F.2d 410, 418 n.13 (D.C. Cir. 1986). The material contained in the public record appears sufficient for NWF to mount a challenge to EPA's rulemaking. See MD Pharm., Inc. v. DEA, 133 F.3d 8, 13-14 (D.C. Cir. 1998) (distinguishing agency actions in which documents relied on are "a complete mystery" and those in which the documents have been identified but not disclosed because they contain sensitive material).

The Clerk is instructed to process these consolidated cases for briefing and argument in the ordinary course.

Per Curiam







U.S. Department of Justice

Environment and Natural Resources Division

Martin McDermott  
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March 17, 2016

**Re: Response to Request for Disclosure of Information Withheld as Confidential Business Information From the Public Record for the Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category Final Rule**

Dear Pete:

This letter responds to your letter of February 17, 2016, requesting that EPA disclose certain documents withheld as confidential business information ("CBI") related to analyses for the Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category Final Rule (the "Rule"). A careful review of the entire record demonstrates that EPA adequately explained its rationale for the Rule in documents that do not disclose information claimed as CBI. EPA is confident that the public record presents the methodologies and analyses the Agency used to reach its final determination in sufficient detail so that stakeholders as well as any reviewing court can consider whether the Agency's decisions were reasonable.

As noted in your letter, EPA removed from public view those documents that steam electric power generating facilities and others claimed as CBI. EPA is statutorily obligated to protect from disclosure all information claimed as CBI. *See Nat'l Wildlife Fed'n v. EPA*, 286 F.3d 554, 564-65 (D.C. Cir. 2002) ("EPA cannot be faulted for keeping [CBI] confidential" in a rulemaking record because CBI "may not be publicly disclosed" pursuant to CWA section 308(b).) The protocols that EPA used to identify and protect the CBI obtained or developed during this rulemaking are described in several documents in the record, including Section 3.8 of the publicly-available non-CBI version of Incremental Costs and Pollutant Removals for the Final Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category ("Costs and Pollutant Removals Report"). Document Control Number (DCN) SE05832; EPA-HQ-OW-2009-0819-6472. To prevent disclosing CBI, the Agency found it necessary to withhold from the public docket all information claimed as CBI as well as some additional data that, although not claimed as CBI, could inadvertently release CBI if made public. Where possible when dealing with CBI, EPA attempted to make information publicly available, using techniques such as aggregating certain data in the public docket, presenting

ranges of values, or masking plant identities to prevent CBI disclosure. The Agency's approach to protecting CBI ensures that the data in the public docket present the basis for the Rule and provide the opportunity for public comment, without compromising data confidentiality.

The public record contains a complete account of the methodologies and analyses underlying the Rule, notwithstanding EPA's protection of CBI. Your letter states that "the cost methodologies are a complete mystery" because EPA omitted 260 pages from the Costs and Pollutant Removals Report. Letter at 3. Yet your letter does not mention the "Non-CBI" version of the Costs and Pollutant Removals Report that EPA prepared for the proposed rule, which was available for review during the public comment period and remains publicly available. DCN SE03581; EPA-HQ-OW-2009-0819-2256; *see also* the Costs and Pollutant Removals Report for the Final Rule, DCN SE05832; EPA-HQ-OW-2009-0819-6472. These documents present the cost methodologies in great detail.

Other documents available to the public also discuss the cost methodologies used for the Rule. Section 9 of the Technical Development Document ("TDD") describes the cost methodologies used to analyze the technology options for each of the waste streams. DCN SE05904; EPA-HQ-OW-2009-0819-6432. Changes made to the cost estimates following proposal in response to public comments are presented in section V.D of the Federal Register notice for the final Rule. More detailed explanations of specific changes EPA made are included in EPA's comment response document, "Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category: EPA's Response to Public Comments" ("Comment Response Document"), *see, e.g.*, Comment Codes 10b, 14b and 16b. DCN SE05958; EPA-HQ-OW-2009-0819-6469. In addition, at the time of proposal EPA made available to power companies certain CBI and CBI-deductible data related to their power plants so that they could review the plant-specific input and output data used by EPA's models to estimate costs and pollutant removals.

Your letter also states that CBI redactions, particularly the redaction of the "Bottom Ash and Fly Ash Transport Water Pollutants of Concern (POC) Analysis Methodology" memorandum, "make it impossible for the public to know what criteria EPA employed to identify POCs for bottom ash and fly ash transport water." Letter at 3. On the contrary, the record contains ample documentation of the criteria EPA employed to identify pollutants of concern for bottom ash and fly ash transport water. Section 12 of the non-CBI version of the "Incremental Costs and Pollutant Removals for the Final Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category" provides a comprehensive description of the criteria employed. DCN SE05832; EPA-HQ-OW-2009-0819-6472. The criteria are presented elsewhere as well, including in Section 6.6.4 of the TDD, "Pollutants of Concern: Ash Transport Water POCs," and discussed in response to specific comments in Part 6 of the Comment Response Document.

Finally, the suggestion in your letter that EPA has "fail[ed] to disclose its methodologies" for calculating the flue gas desulfurization (FGD) wastewater limits is inaccurate. The methodologies EPA used to calculate the effluent limitations for FGD wastewater are carefully described in the Section 13 and Appendix B of the TDD. EPA's data and methodologies are also explained elsewhere in the record, including in the "Statistical Support Document: Effluent Limitations for FGD Wastewater, Gasification Wastewater, and Combustion Residual Leachate for the Final Steam Electric Power Generating Effluent Limitations Guidelines and Standards,"

DCN SE05733, EPA-HQ-OW-2009-0819-6430, and in response to specific comments in Comment Code 31 in the Comment Response Document.

In compiling the record for this Rule, EPA balanced the privacy claims of steam electric power generating facilities, as well as vendors and others who provided EPA valuable data, with its commitment to a transparent and accountable rulemaking process. Although EPA did not disclose every document submitted to the Agency in order to appropriately protect confidentiality, the thousands of documents accessible in the public record provide ample explanation of the Agency's decisions.

In light of the robust public record for this Rule, there is no reason to defer litigation over it. Now that the period for filing petitions for review has concluded, EPA plans to file a certified index to the record. The Agency hopes that challenges can proceed expeditiously in order to maximize both industry certainty and the Rule's benefits to public health and the environment.

Sincerely,

A handwritten signature in black ink, appearing to read "Martin F. McDermott". The signature is fluid and cursive, with the first name "Martin" and last name "McDermott" clearly distinguishable.

Martin F. McDermott, Trial Attorney



## **Exhibit 3**

Appendix to Application of Duke  
Energy Indiana, LLC For a  
Fundamentally Different Factor  
Variance

# **Appendix 1**

## **2013 and 2015 Data from Edwardsport IGCC Grey Water Treatment System**

# Appendix 1: 2013 and 2015 Data from Edwardsport IGCC Grey Water Treatment System

	Mercury, ng/l			Arsenic, ug/l			TDS, mg/l		
	Filtered	Influent	Effluent	Filtered	Influent	Effluent	Filtered	Influent	Effluent
ELG daily max / 30-day avg.			1.8 / 1.3			4 / -			38 / 22
5/9/2013						<0.06			
5/23/2013						<0.06			
6/6/2013						<6			
6/13/2013						<6			
7/22/2013			2.08						
7/24/2013						2			
7/31/2013						<0.6			
8/2/2013						<0.6			
8/8/2013			9.58						
8/25/2013						15			
9/5/2013						<0.06			
9/25/2013						<0.06			
10/3/2013			2.53						
10/8/2013						<0.6			
10/17/2013						<0.6			
9/8/2015	0.540	6.55	12.8	<1.0	1,100	<1.0	300	2,540	20
9/10/2015	<0.50	15.8	5.25	<1.0	120	<1.0	300	3,020	40
9/15/2015	<0.50	10.8	10.3	<2.0	120	<2.0	120	2,560	<10
9/17/2015	<0.50	21.2	6.55	<2.0	130	<2.0	280	2,090	20
9/22/2015	<0.50	22.0	10.8	<1.0	31	<1.0	324	2,200	10
9/24/2015	<0.50	23.4	11.5	<1.0	63	<1.0	322	2,140	<10
9/29/2015	<0.50	44.4	6.40	<1.0	67	<1.0	420	2,700	32
10/1/2015	<0.50	7.35	3.92	<1.0	42	<1.0	336	2,980	20
10/6/2015	<0.50	15.6	2.40	<1.0	33	<1.0	340	2,680	20
10/8/2015	<0.50	11.8	5.79	<1.0	38	<1.0	380	1,660	14
10/13/2015	<0.50	30.4	3.05	<1.0	210	<1.0	320	2,230	222
10/15/2015	<0.50	59.5	0.877	<1.0	230	<1.0	340	2,120	60
Maximum	0.54	59.5	12.8	<2.0	1,100	15	420	3,020	222
Average	<0.50	22.4	6.3	<1.2	182	1.9	315	2,410	39.8
Minimum	<0.50	6.55	0.9	<1.0	31	<0.1	120	1,660	<10
Count	12	12	15	12	12	24	12	12	12